



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT– (FIFTH SESSION)

**THE NATIONAL ASSEMBLY
COMMUNICATION FROM THE CHAIR**

(No. 17 of 2026)

**ON
CONSIDERATION OF THE TEA (AMENDMENT) BILL, 2023**

Honourable Members,

1. I wish to convey that my Office is in receipt of a letter dated 13th March 2026 from Dr. John Kennedy Omanga, writing on behalf of Tea Farmers in Nyeri County. In the letter, Dr. Omanga raises concern with the manner in which the House considered the **Tea (Amendment) Bill (Senate Bill No. 1 of 2023)** and alleges that a Member of Parliament significantly participated in the deliberations without declaring his interest as required by law.
2. Dr. Omanga claims to have followed the proceedings of the House on 12th March 2026, during consideration of the Bill, and raises concern with the contribution to the debate by the Member for Gatundu South, Hon. G.G. Kagombe, MP, without declaring to the House that he is a **sitting Director of Theta Tea Factory Company Limited, KTDA Holdings Limited, and Majani Insurance Brokers Limited**. It is Dr. Omanga's claim **that the operations of the three companies are a direct subject** of the Bill.

3. **Hon. Members**, In support of the claims, CR12 Forms for the three companies indicating the Hon. Member as a Director as of January 2026 are attached to the letter.
4. It is Dr. Omanga's claim that the failure by the Hon. Member for Gatundu South to declare his directorship of the three companies to the House compromised the debate on the Bill and puts into question the validity of the proceedings taken on the Bill. Consequently, he requests that all proceedings on the Tea (Amendment) Bill, 2023, be "declared null and void".
5. **Hon. Members**, The ethical requirements imposed on Members of Parliament with respect to personal interests and the discharge of their mandate are clearly outlined in the Constitution, statute law, and the Standing Orders.
6. Article 73(2) of the Constitution entrenches selfless service based solely on the public interest as a guiding principle of leadership and integrity. The Article further provides that selfless service must be demonstrated ***by honesty in the execution of public duties and the declaration of any personal interest that may conflict with public duties.*** Additionally, Article 122(3) of the Constitution expressly bars a Member of Parliament from voting on a matter in which he or she has a pecuniary interest.
7. With respect to the statutory framework that actualizes the foregoing provisions of the Constitution, section 11 of the **Conflict of Interest Act, 2025, obligates Members of Parliament to disclose any direct pecuniary interest** in matters before the House, its committees, or in related transactions and communications.

8. Notably, the section provides that disclosure of a direct interest does not automatically disentitle a Member from participation in proceedings. Subsection (3) **empowers the Speaker or a Committee Chairperson to allow a Member to participate in the deliberations after considering the nature, extent, and effect of the disclosed interest.**

9. On its part, the **Fourth Schedule to the Parliamentary Powers and Privileges Act, Cap. 6** prescribes the **Code of Conduct applicable to Members of Parliament.** Paragraph 6 of the Code, which all Members subscribed to upon taking their oath of office, requires Members to register and declare any financial and non-financial interests that would either affect or be seen to affect the discharge of their mandate.

10. The Paragraph provides, and I quote,—

(1) Members of the House shall—

(a) register with the relevant Speaker all financial and non-financial interests that may reasonably influence their parliamentary actions;

(b) before contributing to debate in the House or its Committees, or communicating with State Officers or other public servants, declare any relevant interest in the context of parliamentary debate or the matter under discussion; and

(c) observe any rules agreed of the House in respect of financial support for Members or the facilities of the House.

(2) A relevant interest is an interest that may be seen by a reasonable member of the public to influence the way in which a Member discharges his or her parliamentary duties.

(3)

- 11.** Additionally, **Hon. Members**, The Standing Orders adopted by the House **expand the scope of the disclosure required to all “personal interests”**. Standing Order 90 provides that personal interests include *proprietary interests, personal relationships, and business relationships*.
- 12.** Consequently, the Standing Orders broaden the ethical obligations on Members to include disclosure of both financial and non-financial interests that may reasonably give rise to a perception of bias, influence, or conflict.
- 13. Hon. Members**, the provisions I have recited are not new to us. Members are fully aware of the ethical obligations relating to their office, which is a public trust. Indeed, my predecessor, Speaker Justin Muturi, had occasion to address this very matter exhaustively in a ***Communication on Declaration of Interest issued on Tuesday, 9th May, 2019.***
- 14.** At the time, the Chairperson of the then Departmental Committee on Education and Research had sought guidance on the interpretation of Standing Order 90 on—

 - (1) The manner in which Members are to declare interest and in what form the declaration should be made;
 - (2) Whether a Member who declares possible conflict of interest should be allowed to participate fully in the ensuing discussions of the committee; and,
 - (3) Whether a Member who declares a possible conflict of interest should take part in the vetting of a nominee for appointment to a public office.

15. The request for guidance arose out of the deliberations of the then Education and Research Committee with Officials from the Kenya National Union of Teachers (KNUT) and the Kenya Union of Post-Primary Education Teachers (KUPPET) at a time when part of Members of the Committee concurrently served in the governing organs of the two Trade Unions.

16. Hon. Members, While noting that the Constitution, relevant Statutes and the Standing Orders **seek to engender a culture of probity and resolution of any personal interest in favour of the public interest,** Speaker Muturi did guide in summary as follows—

(1) Standing Order 90 does not preclude Members who have procedurally declared their interest in a matter from participating in the debate on the matter in the committee or the House. The only express prohibition to the exercise of a Member's constitutional role is with regard to voting on a matter in which the Member has a direct pecuniary interest under Article 122 of the Constitution as qualified by Article 116(3) of the Constitution;

(2) Any Member with interest on a matter under consideration should declare the interest before the commencement of the meeting or at any other time during debate, whenever the particular matter arises, and recuse themselves from the ensuing deliberations as may be directed.


(3) Article 122(3) of the Constitution does not grant a Member the leeway to simply declare interest, proceed to fully participate in the ensuing debate and only recuse himself or herself during voting. Upon declaration of interest, the chairperson of a committee or the Speaker, as the case may be, may require the particular Member to recuse himself or herself during debate on the matter, in addition to barring such Member from actual voting on the matter in question whether by voice vote or any other form of voting.

17. It cannot be gainsaid that the obligation to declare interest of whatsoever nature is abundantly clear to all Members and constitutes an established practice of the House. This is a topic that was addressed during the General Induction of Members at the commencement of the 13th Parliament and the Committee inductions that followed thereafter.
18. Hardly any sitting of the House is concluded without one or more Members having declared their interests on the business transacted by the House. In this regard, a concern raised that particular business has been transacted without the disclosure of a relevant interest warrants serious consideration.
19. **Hon. Members**, I have reviewed the records of the House and indeed those of the Departmental Committee on Agriculture and Livestock in the consideration of the Bill in question. From the records, it is apparent that the Hon. Member for Gatundu South did declare that he is a Director of a Company in Tea Sector during proceedings of the Committee, in which he is a Member.
20. However, **Hon. Members**, a review of the *Hansard* of Thursday, 12th March 2026, when the Bill was partly considered in the Committee of the Whole House, reveals that the Hon. Kagombe did make substantive contributions on governance of tea factories and the proposed framework for their management and oversight, without declaring his interest in accordance with the Standing Orders. The contributions were substantive and directly related to the provisions under consideration.
21. Without delving into the merits of Hon. Kagombe's contribution to the debate and its possible influence on the amendments considered by the Committee of the Whole House on the Bill, **you will agree that the Member's failure to declare his obvious interest casts doubt on the probity of the deliberations.**

22. Any reasonable citizen would rightly question whether the declaration of interest would have influenced the House in its consideration of the Bill.
23. **Hon. Members**, I am persuaded, to some extent, that the concern raised on the failure by the Hon. Kagombe to declare his interest are valid. Failure to address the concern may, in my view, cast any subsequent decisions taken on the Bill in an unfavorable light.
24. As the House is yet to dispense with the Bill, **an opportunity exists for the House to remedy the unfortunate and avoidable lapse by the Hon. Member**. In this regard, **I therefore direct that the Committee of the Whole House on the Tea (Amendment) Bill (Senate Bill No. 1 of 2023) to be done afresh without any reference to the proceedings of 12th March, 2026 on the Bill, at the appropriate time.**
25. **Hon. Members**, Standing Order 107A (1)(e) provides that *the failure to declare personal interest in a matter before the House or a Committee in accordance with Standing Order 90 constitutes an act of disorderly conduct*. Paragraph (2) of Standing Order 107A empowers the Speaker to call a Member whose conduct is disorderly to order, and caution the Member or order the Member to withdraw from the precincts of the Assembly for a maximum of four days.
26. I note that the Hon. Member for Gatundu South is currently serving his first term in Parliament. I will assume he was not aware that, despite declaring his interest before the Committee on Agriculture and Livestock, he was still required to declare the same interest in the House during its consideration of the Bill.

27. In light of the directive for the Committee of the Whole House on the Bill to be redone, **I caution the Hon. Kagombe for his conduct in this matter.** I further take this opportunity to remind all of us to strictly adhere to the ethical requirements of the high offices that have been entrusted to us by the public to avoid any recurrence of this unfortunate incident.

The House is accordingly guided.


THE RT. HON. (DR.) MOSES F.M. WETANG'ULA, SC, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY
Tuesday, 26th May, 2026