



Insights into Constitutional Amendment Bill (2020)

Chapters 8 Review (Legislature)

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Outline

- Introduction
- Amendments
- Conclusion

Introduction

- Kenya is a Bicameral Legislature (NA, Senate)
- Legislature exercises sovereign Power inline with Article 3(a)
- The Mandate of Parliament is spelt out under 94
- Functions of MNA is set out in Article 95 and Senators in Article 96

Legislature

- Clause 12 : Amends Article 96(3) that will extend the mandate of the senate to have oversight over county Own Source Revenue, borrowings, and expenditures.
 - Expands the Mandate of the Senate
- Clause 13: Amends Article 97, Changes Composition of NA, with base number of 366 and subsequent nominations to comply with 27 (8) of CoK, 2010
 - Nominations for Special Seats -Consideration given to Candidates who already vied, (Precedence to those with more votes)
 - Nomination of 2 Youths (1 man, 1 woman)
 - 4 members rep PWD's (2 men, 2 women)
 - Clause 12 allows for Ex Officio Members to sit in NA, including Leader of Opposition, AG, Cabinet Ministers (who are not MP's)
 - Special Seats- Sunset clause of the next three general elections (15 years)
- Clause 14: Amends Article 98, Changes Composition of the Senate to 1 man, 1 woman per county (Total=94)
 - Aims to achieve gender parity within the senate through representation by election of a man and a woman from each county to the house.
 - Expands the size of the Senate by 40%

Legislature.....Cont

- Clause 15: Amends Article 99(2) (a) & (d): Deletion of disqualification from vying for the seat of an MP on the basis of being an MCA
 - Removes the barrier on MCA's vying as Members of Parliament
- Clause 16: Adds Article 107A ; the Leader of Official Opposition who:
 - Shall be the Person with second greatest number of Votes in a President election
 - The Leader of Official Opposition will have at least 25% of all Members of National Assembly
 - The Leader of Official Opposition and the PM cannot come from the same party or coalition of Parties
- Clause 17: Repeals Article 108: Changes Order of Precedence in NA, to recognize PM & Leader of Official Opposition {Speaker>PM>Leader of Official Opposition)

Legislature.....Cont.

- Clause 18: Adds 108A immediately after 108 which recognizes Senate Leadership and lists order of Precedence in the Senate
- Clause 19: Ammends Article 113(3) : Lengthens the period of Originating House refering the Bill (Under Article 113, Bills Referred to Mediation Committe) to the President from 7 to 14 days
- Clause 20: Ammends Article 115(4)(b): Removes voting through delegations in the Senate
- Clause 21: Article 123 is repealed, Abolishes delegations in Senate

Conclusions

- Removes the Separation of Powers between Executive and Parliament
- The Ammendments expands the size of the Parliament
- Would the ammendments lead to efficiency of Parliament in discharging its mandate?

END

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