

FAQ ON LEGISLATIVE PROCESS

What is a Public Bill?

A public Bill is a Bill which proposes a law of general application throughout the jurisdiction in which it is proposed to be passed.

What is a Private Bill?

A private bill is designed to provide a benefit or exemption to an individual or group from the application of the law, such as a Bill to exempt a certain class of individuals from paying tax.

What is a Special Bill?

A special Bill, under the Constitution, is a Bill that affects the functions of a County Government and which relates to the election of Members of a County Assembly or a County Executive or is the annual County Allocation of Revenue Bill.

What is an Ordinary Bill?

An ordinary Bill is a Bill which is neither a Money Bill nor a Special Bill.

What is a Money Bill?

A Money Bill is Bill that contains provisions dealing with taxes; the imposition of charges on a public fund or the variation or repeal of any of those charges; the appropriation, receipt, custody, investment or issue of public money; the raising or guaranteeing of any loan or repayment.

What is Department of Legal Services?

The Department of Legal services is a department in the County Assembly whose one of the it key mandate is to draft Bills on the instructions of and in consultation with a Member of the County Assembly (MCA). Once a legislative proposal has been submitted to the Department, a Legal Counsel in the Departemnt will be assigned to draft the Bill and to ensure that it conforms to the Constitution, existing law and the established drafting style.

What happens after a draft Bill is developed?

The draft Bill, duly signed by the Sponsor is forwarded by the Clerk to the Speaker (with comments on whether it conforms to the Constitution and to the Law as to format and style). Where the Sponsor of the Bill is a MCA, the Speaker refers the Bill to the relevant Committee for pre-publication scrutiny and comments. The Committee is required to submit its comments to the Speaker within twenty-one days of receipt of the draft Bill. After receiving comments on the Bill from the relevant Committee, the Speaker may certify that the draft Bill is ready for publication, in which case the Clerk of the County Assembly then forwards the Bill to the Government printer for publication.

Who publishes Bills?

Bills are published by the Government Printer in the Kenya gazette and assigned a number in order of transmission to the Government for publishing. Bills introduced in the Assembly are yellow in color. Once a Bill has been published, the Clerk avails a copy for each MCA.

What happens after a Bill is published?

After publication and maturation, the Bill is introduced to the County Assembly by way a First Reading without a made or question put.

So, when is the Bill introduced to the County Assembly?

A Bill is introduced in the County Assembly after fourteen days of publication. The County Revenue Fund Bill, an Appropriations Bill or a Supplementary Appropriations Bill, however, are introduced after seven days publication.

How does a Bill become Law?

In order for a Bill to become Law, it must go through a number of stages in the County Assembly. These stages as set out below.

What is First Reading?

This occurs when the Bill is introduced in the County Assembly. A Bill is read a First time by the Clerk reading only the title of the Bill.

What is Committal to the Committee and Public Participation?

After the First Reading, the Bill is automatically referred to the relevant sectoral/select Committee. The Committee is required to facilitate public participation and to take into account the views of the public when it makes its report to the County Assembly. The Committee is required to submit its report to the Assembly within twenty (20) calendar days. The Committee carries out public participation, obtains views of the members of the public on the Bill and prepares a report within the period specified above. The Committee then tables the report before the Assembly.

What is Second Reading?

During this stage, the MCAs debate on the essence and principles of the Bill and give their views on the Bill.

What is Committee of the Whole?

This is a Committee composed of all MCAs in plenary. At Committee, the Assembly considers the Bill clause and may amend the clauses. Any MCA, other than the sponsor of the Bill, who wishes to move an amendment to the Bill, must give written notification of the amendment to the Clerk at least twenty four (24) hours before commencement of the sitting at which the amendment is to be considered.

What is Third Reading?

Once Committee of the Whole on a Bill is concluded, the Bill is reported back to the Assembly. On adoption of the report on the Bill, the Bill is read a Third Time. No amendments may be at this stage except amending the motion to defer or postpone the third reading of the Bill to future date.

What is Governor's Assent?

Once a Bill has been passed in the Assembly, the Speaker refers the concluded Bill to the Governor for assent. The Governor is required within fourteen (14) days to either assent to the Bill or refer the Bill back to the County Assembly for consideration noting any reservations by the Governor.

What happens when the Bill is referred back to the County Assembly by the Governor?

The County Assembly may either amend the Bill in light of the Governor's reservations or pass it a Second Time without amendments or with amendments that do not fully accommodate the Governor's reservations.

What is Publication of the Law?

Once a Bill has been assented to, the Bill is published as an Act of the County Assembly within seven days after assent. An Act of the County Assembly comes into force on the fourteenth day after its publication in the Gazette unless the Act provides for a different date or time.

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COUNTY ASSEMBLY OF KIAMBU

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*A vibrant, value oriented, quality driven & people
responsive County Assembly in Kenya*