

PROCEDURE OF PASSING A BILL IN PARLIAMENT AND COUNTY ASSEMBLY

A Bill is draft legislation for consideration by Parliament or County Assembly.
At the level of Parliament, a Bill passes through the following stages:

01

PUBLICATION AND CIRCULATION

A Bill is published in a special or supplementary issue of the Kenya Gazette to notify the public and invite representations through the elected Members or direct submission of memoranda and petitions.

02

FIRST READING

Intended to draw the attention of the Members and the public to the Bill. The Bill, here, may be referred to the relevant Sectoral Committee.

03

SECOND READING

The Mover introduces and outlines the main purpose, objectives and any other details of the Bill. The members discuss the Bill and the views of the Mover together with the report of the Sectoral Committee.

04

COMMITTEE OF THE WHOLE HOUSE

The Bill is subjected to the whole House and is considered clause by clause. Members are allowed to propose amendments but only if they do not affect the original proposal, or objective of the Bill.

05

REPORT STAGE

The Committee informs the House sitting in Plenary of their consideration of the Bill.

06

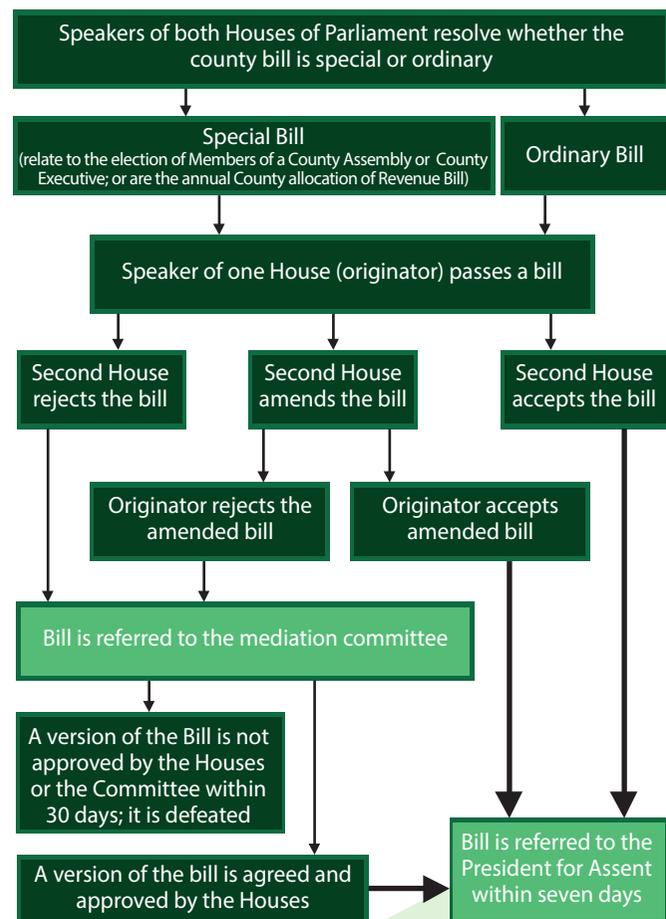
THIRD READING

Members may again debate the principles of what is already in the Bill but further amendments should not be proposed, except to defer its Third Reading for six months, literally - "killing the Bill".

Once the Bill is approved and Assented to by the President or Governor, it becomes an Act of Parliament or County Assembly.

COUNTY GOVERNMENT BILL IN PARLIAMENT

Parliament exercises legislative power through bills. The procedures of processing a bill depend on whether it is a bill concerning county government, or a bill does not concern the county government. A bill concerning county government can originate from any House of Parliament (National Assembly or Senate).



ASSENT OF BILLS

- Assent of the bill is a statutory requirement in the legislation process and cannot be delegated.
- A bill passed by Parliament or County Assembly becomes law once it is assented by the President or the Governor.
- However, bills may upon publication acquire force of law without assent if the President or the Governor has not assented or returned it back within 14 days.



The KENYA INSTITUTE for PUBLIC
POLICY RESEARCH and ANALYSIS

PUBLIC POLICY FORMULATION PROCESS IN KENYA

A policy is a statement of government intent, which articulates basic principles to be pursued to attain specific goals and actions. In the context of legislation, a policy is a document which outlines what a government or an individual aims to achieve for a society as a whole.

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PUBLIC POLICY FORMULATION PROCESS IN KENYA

Stage I: Problem identification

Public policy making starts by clearly defining the policy question or problem. A problem is identifiable when there exists an unsatisfactory set of conditions for which relief is sought from Government. Usually, the problem is identified by Ministries, Departments and Agencies (MDAs), The Presidency, Cabinet, Parliament, Academia and Think Tanks, Civil Society Organizations or citizens. At this stage, the following questions should be answered: What is the nature and magnitude of the problem? What groups in the population suffer from the identified problem? How did the problem come about and why does it continue? What are the immediate and underlying causes? What should be done about the problem?

Stage II: Agenda Setting

Agenda setting is the process by which problems and alternative solutions gain government attention. Since there are many problems requiring government response, a filtering process is used to ensure that only a few come to the attention of government officials. The Cabinet, Sector Working Groups, the Parliament, MDAs handle a collection of issues that are available for discussion and disposition. When the policy issue and alternative policies occupy a slot on the agenda, then policy drafting begins.

Stage III: Policy Design

Policy design is the development of an effective course of action to reach policy goals through specific projects, programmes and activities. This stage involves policy analysis, planning and resource scheduling. Policy analysis involves critical thinking about causes of public problems, the various ways the government might act on them and which policy choices make the most sense.

Planning is the process of setting goals, developing strategies, outlining the implementation arrangements and allocating resources to achieve those goals. Inputs from policy analysis and planning are consolidated into a draft policy. In the spirit of public participation, the draft policy is widely shared with stakeholders for their input. After incorporating stakeholder inputs, the MDA prepares the final policy document.

Stage IV: Cabinet or County Executive Committee Approval

The Cabinet Secretary or County Executive Committee Member reviews the final policy document to ensure that proper analysis has been conducted, different approaches have been identified and discussed, and that the policy document provides the best option available to redress a situation. They also ensure that the fiscal, constitutional and other possible implications of the policy are clearly brought out in the policy. Once satisfied, the policy document is submitted to the Cabinet or the County Executive Committee for approval.

Stages V: Parliamentary or County Assembly Approval

Once the policy document is approved by the Cabinet or the County Executive Committee, it is published and tabled in the respective House or Assembly for debate and approval. The respective legislative body, in accordance with the Standing Orders, introduces the policy document in the House and subjects it to the relevant House Committee for scrutiny and further consideration. The policy document may be approved by the House with or without amendments. The views of the Executive may be sought for value addition and further clarification.

Stage VI: Assent

Once the policy is passed by the respective House, the Speaker of the respective House submits the approved policy to the President or the Governor for formal endorsement, by affixing the National Seal or County Seal, and signing. This process is called Assent.

Stage VII: Publication

Upon assent, the policy is published as a White Paper (a statement of intent and a detailed policy plan, which often forms the basis of legislation). The Executive is expected to widely circulate the policy and keep the public informed of the likely effects of the Policy.

Stage VIII: Draft Bill

If it is determined that the new law is necessary to achieve the objectives and the implementation of the policy (White Paper), the concerned MDA will commence the process of drafting the Bill. In its early stages before a new law is tabled in the House, it is called a legislative proposal. Once it has been so tabled, it is called a Bill.

Source of Government Legislative Agenda

The agenda for legislation is set from an outline of policy priorities made in the Presidential or Governor's speech at the opening of a new session or County Assembly, which outline in broad terms what the government hopes to achieve. It may also be set from the budget outline for the coming financial year. The number of bills and their urgency and priority is set by the Executive and managed through the office of the Leader of Majority.