# REPUBLIC OF KENYA

## COUNTY ASSEMBLY OF LAIKIPIA

### THE HANSARD

**Tuesday, 8th October, 2024**

*The House met at the Assembly Chambers at 10.28 a.m.*

*[The Speaker (Hon. Lantano Nabaala) in the Chair]*

PRAYERS

**ADMINISTRATION OF OATH**

**Speaker:** Honourable Members, following a court ruling delivered in the Nanyuki High Court on 25th September,2024 on the Election Petition NO E001 of 2022 ordered that;

1. That an order be and is hereby issued to the 1st Respondent's (The Independent Election and Boundaries Commission) Chief Executive Officer to gazette within Seven days name of two members of the County Assembly of Laikipia representing people living with disability under marginalized category and a female under gender top up category using the 2nd respondent's party list to nominate first and second interested party and in compliance with the Judgement of the Court.

2. That in default by the 1st Respondent to comply with Order (1) above, within the stipulated time, the 3rd interested party and Speaker, County Assembly of Laikipia be and are hereby ordered to swear the two members of County Assembly using the 2nd respondent's party's list as directed in the Court's judgement.

Honourable Members, it is in this regard that I would like to take and swear in the following persons from the party list submitted to The Independent Election and Boundaries Commission by United Democratic Alliance party in July, 2022.

1. Mathenge Daniel Kaniaru- A person living with Disability.

2. Ikunyua Veronica Muthoni- A female under Gender Top Up Category.

Honourable Members, Article 74 of the Constitution provides that, *"before assuming a State office, acting in a State office, or performing any functions of a State office, a person shall take and subscribe the oath or affirmation of office, in the manner and form prescribed by the Third Schedule or under an Act of Parliament."*

As you are aware, Hon. Members, the Office of a Member of County Assembly is among those defined as a "State Office" under Article 260 of the Constitution. As such, unless a person elected to this House takes and subscribes to the oath prescribed by the First Schedule to the County Government Act, 2012, he or she shall not assume or perform any functions associated with the office of a Member of the County Assembly.

Honourable Members, Standing Order No 3(6) stipulates that at any other time, the Oath or Affirmation of Office shall be administered by the Speaker immediately after Prayers. Hon. Members, pursuant to Standing Order No.3(6), I shall now proceed to administer the Oath or Affirmation of Office to the Members listed above and further pursuant to Standing Order No. 3(7) I would like to request that the members be escorted to the Table by two Members and I further Order that the Serjeant at Arms to ascertain the identity of the listed Members.

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Honourable Members, when called out, the Member shall proceed to the podium on my right and thereupon shall have the option to take the Oath or Affirmation of Office as they may choose and in accordance with their respective religious persuasion. After taking the Oath or Affirmation of Office, the Member shall proceed to subscribe to the Oath or Affirmation of Office at the table on my far right by signing the Oath or Affirmation Book. Hon. Members, we are now ready to commence the process. I will ask that the Clerk-at-the-Table calls out the names.

Honourable Members, for the convenience of the House, I wish to administer the oath beginning with Member living with disability. I will ask that the Clerk-at-the-Table calls out the names.

The Oath of Allegiance was administered to the following Members;

1. Mathenge Daniel Kaniaru- A person living with Disability.
2. Ikunyua Veronica Muthoni- A female under Gender Top Up Category.

Honourable Members, I would like to congratulate the Members who have just been sworn in today and wish them all the best as they undertake their constitutional mandate. My office shall remain open to guidance and necessary support for the Members who have just joined us. I will request the Members to kindly invite them and orient them whenever necessary so that they feel substantive to be Members of this House. I thank you.

## COMMUNICATION FROM THE CHAIR

### DELAY OF PLENARY

**Speaker:** Thank you, Clerk. I want to take this opportunity to apologise for the time we have taken. We started our sitting late. We took time organising and preparing for this event. I thank my office and the office of the Clerk for the preparation they had done. We apologise for the delay.

### WELCOMING OF GUESTS IN THE SPEAKER'S AND PUBLIC GALLERY

Secondly, I also want to welcome our guest at the public gallery and the Speaker's gallery. Thank you, for being with us today. We appreciate your presence as you join us in this special occasion as we invite new Members into our fraternity or family of the Assembly. All of you are welcome again. Thank you, very much.

## NOTICE OF MOTION

**Hon. Nicholas Lempaira:** Hon. Speaker, I rise on a point of order; Standing Order No. 67 on priority of motion, it states as follows; *A motion for the removal of a person from office under this Part shall take precedence over all other business on the Order Paper for the day.* Hon. Speaker, I sit in the HBC…

**Speaker:** As the Honourable Member speaks, the rest can sit as we listen.

**Hon. Nicholas Lempaira:** Members, you can kindly take your seats. Hon. Speaker, I sit in the HBC and in the today's order paper I can see a special notice of a motion missing. Therefore Mr. Speaker, without wasting time, allow me to give a notice of motion on the floor of this House.

**Speaker:** Order Hon. Member! Kindly take your seat. Thank you, Hon. Member. I would like to notify the House that indeed yes, we had a HBC meeting and we had deliberations. I have the order paper here and I remember that in the HBC, you walked in and

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started signing documents. I directed you to present to the Clerk so that in the next HBC, it may be presented. That is what happened and we all walked out. I adjourned the meeting until tomorrow 9.00 a.m. We did not have any other order. I have the order paper here that reflects the minutes and the sitting of the HBC.

**Hon. Nicholas Lempaira:** Thank you, Hon. Speaker. I want to inform you because I don't know whether you are well conversant with the issue of conflict of interest. When a matter is in your personal interest, you do not preside over that matter. We convened a HBC and without wasting time, allow me to read the notice of motion…

**Speaker:** Hon. Member, there is no notice of motion. We had sat in the HBC and you were there. We had adjourned the meeting until tomorrow 9.00 a.m without any other further motion.

*(Loud consultation)*

*(Several Members stood in their places)*

**Speaker:** Hon. Members, take your seats. Take your seat Hon. Theuri. I presided over the HBC and there was no anything like… Hon. Theuri, kindly sit. Hon. Wambui, according to the order of business as scheduled by the HBC which I presided over legally, we adjourned until tomorrow at 9.00 a.m.

Hon. Lempaira, the actual position is that the Standing Orders states that the meeting of the HBC is presided over by the Speaker and we adjourned without anything else. You remember I gave you instructions to deliver your petition for appropriate processing by the clerk.

**Hon. Nicholas Lempaira:** Hon. Speaker, Standing Order No. 68…

**Speaker:** Hon. Lempaira, you cannot introduce something that is not in the order paper. You cannot present something outside the Order Paper. You must understand the Standing Orders of this House. You cannot introduce a business that is not in the Standing Order.

What is the point of order? Which Standing Order are you referring to?

**Hon. Nicholas Lempaira:** I stand on Standing Order No. 68 and Hon. Speaker, you should behave yourself. You should set a good example to this House. Do not let us be rogue. We want to follow the law.

**Speaker:** Hon. Lempaira, you are being disorderly. You are not reading a point of order; it is not. I will not allow you to introduce a different order paper. The order paper which was authorized and passed by the committee that controls the business of this House is before me, and the one that you are bringing is not there.

**Hon. Nicholas Lempaira:** Hon. Speaker…

**Speaker:** Hon. Lempaira, I will not allow you to contravene the business of this House. The House Business Committee put up an order paper which is before me.

**Hon. Samuel Mugambi:** Point of order…

**Speaker:** Order number?

**Hon. Samuel Mugambi:** I am standing on a point of order.

**Speaker:** It states here that if you are standing on a point of order you refer to…

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**Hon. Samuel Mugambi:** Hon. Speaker, you have to listen to us. We are also listening to you so allow us to also have a say. You can introduce to this House a special motion, one which is of county importance. You also have to follow the law; let us not be a banana County Assembly. Let us follow the law and allow the Members to express themselves. If you refuse, we can call another House Business Committee meeting. The Members and the majority are here. We beg you to maintain the law because you are the first holder of it, and you took an oath to protect the Constitution of Kenya.

**Hon. Nicholas Lempaira:** Point of order, Mr. Speaker.

**Speaker:** Hon. Lempaira, let the Hon. Member finish.

**Hon. Samuel Mugambi:** Hon. Speaker, it is very shameful that we have visitors yet you are muting our microphones. It is very shameful to the whole of Laikipia County. For the sake of protecting the Constitution of Kenya, on this one listen to the Members. The same way you are ignoring the law, tomorrow these Members will ignore the law against you. So, I beg you to adhere and request assistance from the table clerks. This is not a banana republic. Let us have law in this House.

**Hon. Nicholas Lempaira:** Point of order, Mr. Speaker.

**Speaker:** Just a minute, Hon. Lempaira. Hold on. When I say you hold on, you hold on. The Hon. Member for Salama, this is a House of law.

**Hon. Samuel Mugambi:** But you are not…

**Speaker:** Hold on, Hon. Member. It is because I have not allowed you to talk. I hold the power to allow or disallow you to speak. You have spoken, and I have even stopped Hon. Lempaira in order to give you a chance to speak. You cannot stop me from speaking. I preside over the Assembly. The issue is, this is a House of law, a House of order. This House of order states that the business of the House is scheduled by the House Business Committee. The HBC has scheduled a business which the Members who are speaking here are part of and we adjourned the meeting when they were all present. There was no introduction of a new order.

**Hon. Samuel Mugambi:** Hon. Speaker, in our Standing Orders, there are some motions that do not need to go through the HBC. You have the Standing Orders with you there, which says that if there is something of county importance, one Member can stand and introduce the motion…

**Speaker:** It is not, because…

**Hon. Nicholas Lempaira:** Point of order, Mr. Speaker.

**Speaker:** Just a minute. Hon. Member, you are misplacing what is supposed to be there. Hold on. What he has read…

**Hon. Samuel Mugambi:** What motion is being read?

**Speaker:** He has said it.

**Hon. Samuel Mugambi:** Which one?

**Speaker:** The House is becoming disorderly and I think we will no longer be able to transact business. Therefore, I will be compelled to adjourn this House because, Hon. Members, you are becoming disorderly.

## ADJOURNMENT

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**Speaker:** The sittings of this House now stand adjourned until Wednesday, 9th October, 2024 at 2.30 p.m.

The House rose at 10.58 a.m.

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