



**EAST AFRICAN COMMUNITY**  
**EAST AFRICAN LEGISLATIVE ASSEMBLY**

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**THE RULES OF PROCEDURE OF THE ASSEMBLY**

**FEBRUARY 2015 EDITION**

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# THE EAST AFRICAN LEGISLATIVE ASSEMBLY, 2015

## RULES OF PROCEDURE

(Made under Articles 49 (2) (g), and 60 of the Treaty)

### PART 1

#### PRELIMINARY

#### 1. Interpretation

(1) In these Rules of Procedure, unless the context otherwise requires-

“Assembly” means the East African Legislative Assembly established by Article 9 of the Treaty;

“Bar” means a place designated in the Assembly where a Member who is found guilty of uttering defamatory statement against any other Member, shall stand and offer an apology;

“Bill” means the draft of an Act of the Assembly and includes both a private Members Bill and Council of Ministers Bill;

“Clerk” means the Clerk of the East African Legislative Assembly appointed under Article 48 of the Treaty;

“Committee” means a Committee of the whole House, a Standing Committee, or any other Committee of the Assembly;

“Committee of the Whole House” means a Committee composed of the whole body of Members of the Assembly;

“Commission” means the East African Legislative Assembly Commission established under section 3 of the Administration of East African Legislative Assembly Act 2012;

“Community” means the East African Community established under Article 2 of the Treaty;

“Council” means the Council of Ministers of the Community established under Article 9 of the Treaty;

“Gazette” means the official gazette of the Community;

“House” means the Assembly;

“Journal of the House” means all proceedings of the House recorded by the Clerk.”

“leave of the House” or any expression of similar import, means permission or agreement given by the majority of Members of the House”

“Meeting” means any sitting or sittings of the Assembly commencing when the Assembly first meets after being summoned at any time and ending when the Assembly is adjourned *sine die* or at the conclusion of a session;

“Member” means a Member of the Assembly as provided for under Article 48 of the Treaty;

“motion” means a proposal made by a Member that the Assembly or a Committee of the Assembly does something, order something to be done or express an opinion concerning some matter;

“National Assembly” with its grammatical variation and cognate expression means the national legislature however designated of a Partner State;

“**Partner States**” means the Partner States of the Community as defined under the Treaty;

“petition” means a written prayer or plea presented to the Assembly; and includes all similar submissions whether relating to public or private matters of general policy, or to redress local or personal grievances;

“precincts of the Assembly” includes the Chamber of the Assembly, the National Assemblies of Partner States, every part of the buildings in which are situated such chambers, the officers of the Assembly, the galleries, and places provided for the use of accommodation of Members, strangers, members of the public and representatives of the press, and any forecourt, yard, garden, enclosure or open space, appurtenant thereto and used or provided for the purposes of the Assembly and any other places designated by the Assembly as such;

“Presidents” means the Heads of State and Government of the Partner States;

“question”: except in respect of the question time or period and a question of privileges, means a proposal presented to the Assembly or Committee of the Assembly by the Speaker or Chairperson of Committee for consideration and decision or disposal in some manner;

“recess” means a period during which the House stands adjourned to any day other than the next normal sitting day including when it is

adjourned *sine die* at the end of the session to be followed by a prorogation;

“Serjeant-at-Arms” includes Deputy Serjeant-at-Arms, any Assistant Serjeant-at-Arms and any other person appointed by the Speaker to perform the functions of a Serjeant-at-Arms;

“Session” means the period when the Assembly is sitting continuously from the First Sitting of a Session after an election to the sitting when it is prorogued;

“Sitting” means a period during which the Assembly is sitting continuously without adjournment and includes any period during which the Assembly is in Committee; but so that two or more periods of sitting within the normal period of one sitting, or within an equivalent period shall not rank as more than one “sitting”;

“sitting day” means, any day on which the Assembly sits;

“Speaker” means the Speaker of the Assembly provided for under Article 53 of the Treaty and includes any Member elected under Article 56(b) of the Treaty;

“stranger” means a person other than the Speaker, a Member, or an officer of the Assembly;

“substantive motion” means an independent motion of which notice is duly given but which is neither incidental nor relating to a proceeding or order of the day already before the House;

“Summit” means the Summit of the Heads of State and Government of the Community established under the Treaty;

“Table” means the Clerk’s Table;

“Treaty” means the Treaty for the Establishment of the East African Community any annexes and protocols thereto;

“Vote on Account” means a special provision by which the Council shall obtain the vote of the Assembly for an amount sufficient to incur expenditure on various items for a part of the year.

- (2) In these Rules a reference to an *ex-officio* member of the Assembly means a person being a member of the Assembly is an *ex-officio* Member by virtue of sub-paragraph (b) of the first paragraph of Article 48 of the Treaty; and who is under the provisions of the second paragraph of Article 58 of the Treaty, not allowed to vote on any issue requiring a vote in the Assembly.



## **PART II GENERAL**

### **2. Seat of the Assembly**

The Seat of the Assembly shall be at Arusha in the United Republic of Tanzania.

### **3. Independent Mandate, Privileges and Immunities**

- (1) Members of the Assembly shall exercise their mandate independently and shall not be bound by any instructions or orders from any person or authority regarding the exercise of their mandate.
- (2) Members shall be entitled to inspect any files held by the Assembly or a Committee, other than personal files and accounts which only the Members concerned shall be allowed to inspect.

## **PART III PROCEEDINGS IN A NEW ASSEMBLY**

### **4. Notification of the First Sitting of a new Assembly**

The Clerk shall at least 14 days prior to the first sitting of the new Assembly, notify the elected Members of the House through the Clerks of the National Assemblies of the Partner States the date and the venue of the first sitting.

### **5. List of Members and Administration of Oath**

- (1) On the first day of a new House, the Clerk shall read out aloud and lay on the table the list of the Members of the House transmitted to the Clerk by the Speaker of the National Assembly of each Partner State in accordance with section 5 of the East African Legislative Assembly Elections Act, 2012.
- (2) The Clerk shall administer the Oath or Affirmation of Allegiance to the Members.
- (3) The Clerk shall subsequent to the Administration of Oath or affirmation to the Members under sub-rule (2), carry out an induction for Members on the provisions of the Treaty, the Laws of the Community and these Rules.
- (4) A Member shall not sit or vote in the Assembly before taking the Oath or Affirmation of Allegiance to the Treaty.

- (5) When a Member first attends to take his or her seat other than at the first sitting of a new House, he or she shall be brought to the Table by two Members and presented by them to the Speaker who shall then administer the Oath or Affirmation of Allegiance to him or her.

## **6. Election of Speaker**

- (1) The Speaker of the Assembly shall be elected on rotational basis by the elected Members of the Assembly from among themselves to serve for a period of five years.
- (2) No business other than an election of the Speaker shall be transacted in the House at any time the office of the Speaker is vacant.
- (3) The names of candidates for election to the office of Speaker shall be entered upon nomination papers obtained from and handed to the Clerk at least forty-eight hours before the time appointed at which the House is to meet to elect a Speaker, and shall be accompanied in each case by the signatures of two Members who support the candidate and a declaration by them that the candidate is willing to serve.
- (4) A Member shall not be proposed as a Speaker unless that Member has given his or her consent to the nomination in writing and handed it to the Clerk.
- (5) The election of a Speaker shall be by secret ballot.
- (6) The Clerk shall preside at the election of a Speaker.
- (7) At the election of the Speaker the Clerk shall invite secondment by at least two Members for the nominated candidates.
- (8) In the event of only one candidate nominated, he or she shall be subject to the approval of the Assembly through an election by secret ballot.
- (9) Voting shall be in the following manner-
  - (a) the Clerk shall, at least one hour before the meeting of the House, prepare ballot papers upon which shall be shown the names of all candidates validly nominated under sub-rule (3) of this rule, and shall issue not more than one such paper to each Member who comes to the Table to obtain, but a Member who before the conclusion of a ballot has marked his or her paper in error, may by returning it to the Clerk obtain another in its place, and the Clerk shall immediately cancel and destroy the paper so returned.
  - (b) A candidate may by written notice to the Clerk, withdraw his or her name before a ballot is commenced, and in the event of such

withdrawal, the Clerk shall delete the name of that candidate from any ballot papers issued for that or any subsequent ballot;

- (c) After all Members who wish to vote have voted, the Clerk shall, in full view of the Members present, empty the ballot box and immediately count the ballot papers contained in it;
- (d) Upon completion of counting, the Clerk shall announce the result of the ballot specifying-
  - (i) the total number of ballot papers contained in the ballot box;
  - (ii) the total number of Members who have abstained from voting;
  - (iii) the number of both spoiled and blank ballot papers; and
  - (iv) the number of votes obtained by each candidate;
- (e) a Member shall not be elected as Speaker unless he or she is supported by the votes of two-thirds of all the Members of the House, and if no candidate is supported by the votes of two-thirds of all the Members, a further ballot shall be held between the first two candidates; and if in the second ballot no candidate is supported by the votes of two-thirds of all Members, the candidate who in that ballot receives the highest number of votes shall be declared elected;
- (f) where no candidate receives support of two-thirds of all the Members under paragraph (e), a further ballot shall be held for the first two candidates;
- (g) the candidate who receives the highest number of votes in the second ballot shall be declared elected, and in the event of a tie, elections shall be held again between the two candidates;
- (h) where a candidate under sub-rule (8) does not receive two-thirds of all Members, a further ballot shall be held and the candidate shall be declared elected if he or she gets a simple majority of the votes.

(10) Immediately following the election of a Speaker, the Clerk shall administer to the candidate elected the Oath or Affirmation of Office.

## **7. Duties and Functions of the Speaker**

- (1) The Speaker shall direct all activities of the House and its Committees in accordance with the decisions of the Commission, and shall preside over the proceedings of the House under these Rules.
- (2) Without prejudice to sub-rule (1) the functions of the Speaker shall be to-

- (a) open, suspend and close sittings;
- (b) ensure observance of these Rules;
- (c) maintain order in the House;
- (d) call upon members to participate in the proceedings;
- (e) close debates;
- (f) put matters to vote and announce the results of votes; and
- (g) refer to Committees any business that concern them.

## **8. Removal of the Speaker**

- (1) The House may pass a resolution to remove the Speaker from office.
- (2) A motion for a resolution to remove the Speaker from office shall be signed by half of the elected Members and submitted to the Clerk, who shall upon the receipt of the motion, convene the House within twenty four hours to elect a Member to preside over the Assembly pending conclusion of the removal proceedings.
- (3) The Speaker, in respect of whom proceedings for removal have commenced, shall not discharge any duties and functions of the Speaker until such investigations are completed and the proceedings are concluded.
- (4) The motion shall be tabled in the Assembly within twenty four hours of its receipt by the Clerk and the House shall refer the motion to the Committee on Legal, Rules and Privileges to investigate and report its findings to the Assembly for debate.
- (5) The proceedings for the removal of the Speaker shall be deemed to have commenced upon the filing of the motion with the Clerk.
- (6) Upon commencement of the proceedings, any withdrawal or addition of signatures to the motion shall be of no consequence.
- (7) The motion shall be priority on the order of business and shall be tabled in the Assembly by the mover or any other Member designated by the mover on the next sitting day of the Assembly.
- (8) The Speaker shall be entitled to appear in person and may be assisted or represented by a lawyer or any other person when the Committee is investigating his or her removal.
- (9) The Committee shall investigate and report its findings to the Assembly for debate within twenty one working days.
- (10) If the debate on the motion is adjourned or interrupted, the sitting considering the motion shall continue on the following sitting day of the

Assembly until the transaction of the motion for the removal of the Speaker has been completed.

- (11) The motion for the removal of the Speaker may be withdrawn by the mover with leave of the House.
- (12) The vote on the motion for the removal of the Speaker shall be by secret ballot.
- (13) If the vote does not reach the threshold of the two-thirds majority, the motion shall expire and no other motion for the removal of the Speaker may be moved in the same Session.
- (14) A Member shall not be barred from participating in the investigations for the removal of the Speaker for the reason only that such Member may have signed the motion.
- (15) A Member including the Speaker who is facing the motion for removal may not be barred from voting on the motion.
- (16) Upon passing the motion for the removal of the Speaker he or she shall cease to hold office.

#### **PART IV SITTINGS AND ADJOURNMENTS OF THE HOUSE**

##### **9. Notification of Meetings of the House**

The Clerk shall at least fourteen days prior to the date of the commencement of any Meeting of the House, notify the Members of the date, venue and the proposed business of the Meeting.

##### **10. Venue, Sittings and Meetings of the House and Committees**

- (1) The Assembly shall meet, without requiring to be convened on the first Tuesday of a Session, other than the first Session after an election, and shall itself determine the duration of adjournments of the Session.
- (2) Whenever during a session the House stands adjourned, whether or not a day has been appointed for the next Meeting, the Speaker shall at any time he or she considers expedient, giving reasonable notice, call a special Meeting.
- (3) A sitting of the House is duly constituted when it is presided over by the Speaker or such other Member as may be elected under Article 56 of the Treaty and in accordance with Annex 3 of these Rules.

- (4) The House shall ordinarily sit on Tuesdays, Wednesdays and Thursdays.
- (5) The meetings of the Assembly shall be held at such times and places as the Assembly may appoint, and shall meet at least once in every year at Arusha in the United Republic of Tanzania and at a time to be determined by the Assembly.
- (6) The House shall sit for not less than 80 days for plenary and not less than 40 days for Committee Meetings.

## **11. Hours of Meeting**

- (1) Sittings shall, unless the Assembly otherwise resolves, ordinarily commence at 9.00 a.m. in the morning up to 1.00 p.m. in the afternoon, and resume at 2.30 p.m. in the afternoon and conclude at 6.30 p.m. in the evening.
- (2) The Speaker may at any time suspend a Sitting or adjourn the House.
- (3) The Speaker shall at the close of business of a Sitting announce the time and date of the next Sitting.
- (4) The Commission shall fix the time when a Meeting of the House shall adjourn *sine die*.
- (5) The Speaker may, if he or she thinks fit, call a Sitting of the House before the date or time to which it has been adjourned or at any time after the House has adjourned *sine die*.
- (6) The House shall ordinarily not sit on gazetted public holidays in the Partner States.
- (7) Subject to these Rules, the Sittings of the House and its Committees shall be public.

## **12. Quorum**

- (1) The quorum of the House or of the Committee of the Whole House shall be half of the elected Members and such quorum shall be composed of at least one third of the elected Members from each Partner State.
- (2) If at any time of Sitting, or when the House is in Committee, any Member objects that there is no quorum present, the Speaker or the Chairperson shall, on ascertaining it to be true, suspend the proceedings of the House for an interval of fifteen minutes during which a bell shall be rung.

- (3) If on resumption of proceedings after the expiry of fifteen minutes, the number of Members present is still less than half the Speaker or the Chairperson, as the case may be, shall adjourn the House or the Committee of the Whole House without question put.

### **13. Adjournment of the House**

- (1) A Member may at any time, for reasons stated, seek leave to move "That, this House do now adjourn to debate a matter of urgent public importance".
- (2) A Member seeking such leave shall not speak for more than twenty minutes without leave of the House.
- (3) An adjournment under sub rule (1) shall be for the purpose of debating a definite matter of urgent public importance.
- (4) Unless it appears to the Speaker that the motion is an abuse of the Rules of the House or an infringement on the rights of any Member, the Speaker shall put the question on the motion without debate.

### **14. Adjournment of Debate**

- (1) A member who wishes to postpone the further discussion of a question which has been proposed from the Chair to some future date may move, "That, the debate be now adjourned", or in Committee of the Whole House "That, the Chairman do report progress".
- (2) The debate on any Motion under sub-rule (1) shall be confined to the matter of the motion.
- (3) If the Speaker is of the opinion that such dilatory motion is an abuse of the proceedings of the House, he or she may forthwith put the question thereon or may decline to propose the motion.
- (4) A Member who has moved or seconded a dilatory motion which has been negatived may not subsequently move or second another such motion during the same debate, whether in the House or Committee of the Whole House.
- (5) A Member who wishes to adjourn debate in the House on any motion, may move, "That debate adjourns, the mover replies and the question be put".

## **15. Resumption of Interrupted Debate**

- (1) Any debate interrupted under these Rules shall, upon on coming again before the House or the Committee be resumed at the point where it was interrupted.
- (2) Any Member whose speech was interrupted under sub-rule (1) shall have the right to speak for the remainder of the time available for him or her, but if the Member does not avail himself or herself this right, his or her speech shall be deemed to have been concluded.

## **PART V ORDER OF BUSINESS**

## **16. Order Paper and Order of Proceedings**

- (1) The Speaker shall in accordance with the direction of the Commission determine the Order of Business of the House.
- (2) The Speaker shall, in determining the Order of Business give priority to Council business.
- (3) Subject to the provision of sub-rule (1), the Speaker shall instruct the Clerk to prepare the Order Paper for each sitting.
- (4) The Order Paper shall show the business to be placed before or taken by the House in the order in which it is to be taken, and such other information as the Speaker may from time to time direct to be shown therein and such Order Paper shall be circulated at least three hours before the House meets.
- (5) The business of the House shall be transacted in the following order:-
  - (a) prayer, in the form prescribed in Annex 1 of these Rules;
  - (b) administration of Oath;
  - (c) election of Speaker;
  - (d) communication from the Chair;
  - (e) other business as shown on the Order Paper.
- (6) The Order of Business set out in the Order Paper on any particular day may, by leave of the Speaker be altered.
- (7) The Speaker shall direct the Clerk to read the Orders of the Day without question put.



## **17. Procedure of Business**

- (1) The Speaker shall in accordance with the direction of the Commission instruct the Clerk to draw up the Order of Business for each Sitting.
- (2) Any item of business standing on the Order Paper on any particular day which has not been completed or reached on the interruption of business under the relevant provision of these Rules, shall on priority basis be placed on the Order Paper for the next Sitting.
- (3) The Clerk shall send to each Member a copy of the Order of Business for each Sitting--
  - (a) In the case of the first Sitting of a Meeting, at least three hours before the Sitting; and
  - (b) In case of any other Sitting, at least twelve hours before the Sitting.
- (3) The Clerk shall keep a book to be called the Order Book in which he or she shall enter and number in succession all matters intended for discussion at each Sitting.

## **PART VI QUESTIONS TO THE COUNCIL OF MINISTERS**

### **18. Questions to the Council**

- (1) Questions relating to matters of the Community may be put to the Council by any Member.
- (2) Questions to the Council shall be referred to the Council at least two weeks before the sitting on whose Order Paper they are to appear.
- (3) A question shall be genuinely of an interrogative character and its purpose shall be limited to seeking information or pressing for action.
- (4) A question shall not be made the pretext for a debate.
- (5) Any Member may ask a supplementary question, but a supplementary question shall not introduce a matter not related to the original question.

### **19. Questions**

- (1) The Chairperson of the Council or any other Member of the Council upon delegation by the Chairperson shall answer any question put to the Council.
- (2) Every question shall be submitted by the Clerk to the Speaker.

(3) If the Speaker is of the opinion that any question of which a Member has given notice to the Clerk is one which infringes any of the provisions of these Rules he or she may direct-

(a) that the question be not asked save as with alterations as the Speaker may direct; or

(b) that the Member concerned be informed that the question is inadmissible.

## **20. Questions and Answers' Session**

(1) Priority questions or questions which require immediate answers but not detailed research shall be answered within two weeks.

(2) Non priority questions shall be answered within six weeks.

(3) If a question cannot be answered within the time limit set, it shall be put on Order Paper for the following Sitting.

## **21. Answers to Questions**

(1) Notice of questions shall be given by Members in writing to the Clerk who shall forward them to the Council and such notice shall state whether the questions is for an oral or written answer.

(2) The Chairperson of the Council and in his or her absence, any other Member of the Council shall answer any question put to the Council.

(3) The answer to any question requiring a written answer shall be put before the House and shall be published in the official journals of the House.

(4) The Chairman or any other Member of the Council shall ensure that questions are fully answered to the satisfaction of a Member, and the answers are concise and relevant to the subject of the question.

## **PART VII JOURNALS AND RECORDS**

## **22. Journals of the House and Sessional Reports**

All proceedings of the House shall be recorded by the Clerk, and upon publication they shall constitute the journals and reports of the House.

### **23. Custody of Journals and Records**

The custody of the Journals and Records of the House, including all papers and accounts presented to or belonging to the House, shall be with the Clerk, who shall neither take, nor permit to be taken, any such Journals or records from the precincts of the House without an order of the House or when the House is not Sitting, by leave or order of the Speaker.

### **24. Hansard Reports**

- (1) There shall be published a verbatim report of all proceedings of the House.
- (2) Every Member shall have an opportunity to correct the draft verbatim report of his or her own contribution, but not so as to alter the substance of what he or she actually said (as to which the Speaker shall, in case of doubt decide).

### **25. Confidential Matters**

- (1) The Speaker or the Chairperson in case of a Committee may with the approval of the House or of Members of the Committee, and having regard to the matter under discussion, order the House or Committee to move into closed Sitting.
- (2) The Speaker may direct any matter which in his or her opinion is of confidential nature to be excluded from the Journals of the House and from the verbatim report of proceedings of the House, and to be the subject of a separate verbatim report, which shall be kept in the custody of the Clerk and made available only to Members and Clerks.
- (3) Any Member with the support of at least two other Members may apply for exclusion from the Journals of any matter which in his or her opinion is of a confidential nature and which he or she considers as having escaped the attention of the Speaker.

## **PART VIII MOTION AND AMENDMENTS**

### **26. Notices of Motion**

- (1) Pursuant to the provisions of Article 59 of the Treaty, the Council or any Member may introduce any motion in the House.

- (2) A Member shall give written notice of a motion to the Clerk in one clear day previous to the Sitting at which it is intended to be moved.
- (3) Before giving notice of motion, a Member shall deliver to the Clerk a copy of the proposed motion in writing and signed by himself or herself and the Clerk shall submit it to the Speaker.
- (4) Notwithstanding the provision of sub-rule (2), a Member may with leave of the Speaker, give oral notice of a motion during a Sitting but the motion shall not be placed on the Order of Business until one clear day has elapsed since the notice was given, unless the Speaker is of the opinion that it is in the public interest that it should be placed on the Order of Business prior to the expiration of one day, in which case the Speaker may direct that it be placed on the Order of Business at such time as he or she thinks convenient.
- (5) Any oral notice of motion shall be reduced into writing and handed to the Clerk before notice is given to the House.
- (6) If the Speaker is of the opinion that any proposed motion-
  - (a) is one which infringes, or the debate on which is likely to infringe, any of the provisions of these Rules or the Treaty;
  - (b) is contrary to morality and justice;
  - (c) is too long;
  - (d) is framed in terms which are inconsistent with the dignity of the House;
  - (e) contains or implies allegations which the Speaker is not satisfied that the mover can substantiate;
  - (f) calls for the commitment of funds for which no provision is made in the annual estimate adopted by Assembly;  
the Speaker may direct either that, the motion is inadmissible, or that notice of it cannot be given without such alteration as he or she may approve.

## **27. Amendment of Notices of Motion**

The Speaker may permit a Member to move in amended form, a motion of which notice has been given, if in the opinion of the Speaker the amendment does not materially alter any principle embodied in the motion.

## **28. Certain Motions not to be moved**

A motion may not be moved which is the same in substance as any question which has been resolved during the same session: Provided that a motion to rescind the decision of such a question may be moved with the permission of the House.

## **29. Moving Motions**

- (1) A Member who has a motion standing in his or her name may authorize in writing some other Member to move the motion in his or her stead.
- (2) Where a Member fails to move a motion at the time prescribed by or under these Rules, such motion shall not be put on the Order Paper again during the same Session except with leave of the Speaker.

## **30. Motion which may be moved without Notice**

The following motions may be moved without notice –

- (a) any motion by way of amendment to a question already proposed by the Speaker;
- (b) a motion for the adjournment of the House;
- (c) any motion for adjournment of a debate;
- (d) any motion for the suspension of any of these Rules;
- (e) any motion for the withdrawal or re-admission of strangers;
- (f) any motion that the House do resolve itself, into a Committee of the Whole House;
- (g) a motion moved when the House is in Committee;
- (h) a motion for suspension of a Member;
- (i) any motion made in accordance with the rules governing the procedure of Bills;
- (j) any motion raising a question of privilege;
- (k) any motion for agreement or disagreement of the House with a Committee of the Whole House in a resolution reported, or for the re-committal thereof for the postponement of the further consideration thereof;
- (l) any motion on urgent matters of public importance supported by one third of the Members present; and
- (m) any motion under rule 62.

## **31. Manner of Debating Motions and Amendments thereto**

- (1) When a motion has been moved and seconded, the Speaker shall propose the questions thereon in the same terms as the motion, and debate may then take place upon that question.
- (2) At the conclusion of the debate the Speaker shall put the question.
- (3) When any motion is under consideration in the House or in a Committee, an amendment may be proposed to the motion if it is relevant to the motion.

- (4) Any amendment may be proposed to the amendment if it is relevant to that amendment.
- (5) Any amendment to be moved and seconded in the House shall be required by the Speaker to be put in writing by the mover and delivered to the Clerk.
- (6) An amendment shall not be permitted if, in the opinion of the Speaker it substantially alters the principle of the question proposed.

### **32. Seconding of Motions and Amendment of Motions**

- (1) In the House, the question upon a motion or amendment shall not be proposed by the Speaker unless the motion or amendment has been seconded.
- (2) In Committee, a seconder shall not be required for a question upon a motion or amendment.

### **33. Withdrawal of Motions**

- (1) A notice of a Motion may be withdrawn by the Member who gave the notice, but notice of the same motion may be given again either by the same Member, or by any other Member.
- (2) A motion or an amendment to the motion may, with leave of the House or Committee be withdrawn at the request of the mover before the question is put.
- (3) A motion or an amendment withdrawn under this rule may be proposed again if, in case of a motion, notice required by these Rules is given.
- (4) If the question has been proposed on an amendment to a motion, the original motion may not be withdrawn until the amendment to the motion has been disposed of.

### **34. Motions for Resolution**

- (1) Any Member may table a motion for a resolution on a matter relating to the activities of the Community.
- (2) A motion for resolution under sub-rule (1) may be withdrawn by its author before the Speaker has made a decision upon it.

- (3) A motion for a resolution withdrawn may be taken over and re-tabled immediately by a Member, a group, a Committee or the same Member who tabled it in the first place.

## **PART IX RULES OF DEBATE**

### **35. Language**

All proceedings of the House shall be conducted in the English Language, while Kiswahili is being developed as the *lingua franca* of the Community.

### **36. Limitation of Debates**

The House may on any motion made by any Member order or impose a limit to the motion or the contribution made by Members on that particular motion by allotting a limited period of time for that motion, or for the contributions made by Members on the motion, or by imposing the time limitation to both the motion and contributions by Members.

### **37. Time and Manner of Speaking**

- (1) A Member desiring to speak shall rise in his or her place and address himself or herself to the Speaker.
- (2) By the indulgence of the Speaker, a Member unable to conveniently stand by reason of sickness or disability may be permitted to speak while sitting.
- (3) If more than one Member rises at the same time, the Member called upon by the Speaker shall be the one entitled to speak.
- (4) The Speaker shall be addressed as either "Madame" or "Mr" Speaker, as the case may be.
- (5) Every other Member shall be addressed as "Honourable" with the name of the Member.
- (6) A Member shall not read his or her speech but may read short extracts from written and printed papers in support of his or her argument and may refresh his or her memory by reference to notes.
- (7) The Speaker may allow a Member to read his or her speech in particular cases where the Speaker is satisfied that this is necessary for precision in statement of fact.
- (8) A Member shall not speak more than once to a question except in a committee in the Whole House, but-

- (a) a Member who has spoken to a question may again be heard to offer explanation of some material part of his or her speech which has been misunderstood but he or she shall not introduce a new matter;
  - (b) a reply shall be allowed to a Member who has moved a substantive motion but not to a Member who has moved an amendment.
- (9) The mover of a substantive motion may, if he or she so desires, surrender his or her right to reply or a portion of the time allocated to another Member, nominated by him or her, who has not already spoken to such motion.

**38. Points of order**

- (1) Any Member may rise on a point of order any time during the speech of Member stating that he or she rises on a point of order, and the Member speaking shall there upon resume his or her seat and the Member rising to point of order shall do likewise when he or she has concluded the point of order.
- (2) Speaking time shall not exceed one minute.
- (3) No other Member may, except by leave of the Speaker speak to the point of order raised under sub-rule (1).
- (4) The Speaker shall either give a decision on the point of order forthwith, or announce that he or she defers the same for consideration after which the Member who was speaking at the time the point of order was raised may continue his or her speech.

**39. Speaking after Questions**

A Member may not speak on any question after it has been put.

**40. Personal Explanations**

With leave of the Speaker, a Member may explain matters of personal nature although there is no question before the House, but such matter may not be debated.

**41. Speaker not to participate in Debates**

- (1) The Speaker shall not take part in any debates before the House.
- (2) Should the Speaker wish to take part in a debate, he or she shall vacate the chair and shall not re-occupy it until the debate is over.



#### **42. Sub-judice**

Reference shall not be made to any matter of which judicial decision is pending in such a way as may, in the opinion of the Speaker, prejudice the interest of any party to the action.

#### **43. Contents of Speeches**

- (1) The personal conduct of a President of a partner State, Speaker, any judge of a Partner State, or the East African Court of Justice, or the judicial conduct of any other person performing judicial functions in the Partner States, in the Community, or any conduct of the ruler, Government or representative in any Partner State or any friendly country shall not be adversely referred to except upon specific substantive motion moved for that purpose.
- (2) It shall be out of order to use offensive, abusive, insulting, blasphemous or unbecoming words or to impute improper motive to any Member or to make personal allusions.
- (3) It shall be out of order to attempt to reconsider any specific question upon which the House has come to a conclusion during the current Session, except upon a substantive motion for rescission.
- (4) The speech of a Member shall have reference to the subject matter under discussion.

#### **44. Declaration of Interest**

A Member who wishes to speak on any matter in which he or she has a personal interest shall first declare that interest.

#### **45. Responsibility for Statement**

A Member shall be responsible for the accuracy of any facts which he or she alleges to be true and may be required to substantiate any such facts or to withdraw his or her allegations with an appropriate apology upon the direction of the Speaker.

#### **46. Scope of Debate**

- (1) Debate upon any motion or amendment to a motion or upon any Bill, part of a Bill or amendment to a Bill, shall be relevant to the matter being debated.
- (2) Where an amendment has been moved and if necessary seconded, debate shall be confined to the amendment, but the Speaker may, in his or her discretion, direct that the debate on the amendment includes debate on the matter of the motion and where the matter of the amendment is not conveniently severable from the matter of the motion, or where the Speaker so directs, a Member who speaks to the amendment shall not be entitled, after the amendment has been disposed of, to speak to the motion, and any Member who has already spoken to the motion may in speaking to the amendment speak only to any new matter raised thereby.
- (3) When an amendment to a motion or a Bill proposes to leave out words and insert or add other words, the debate upon the question to leave out words may include both the words to be left out and those proposed to be inserted or added.
- (4) On an amendment proposing only to leave out words, the debate shall be confined to the omission, insertion or addition of the words respectively.
- (5) Upon a motion other than a motion by way of amendment to a question proposed by the Speaker, a Member may second by rising in his or her place and signifying his or her acquiescence by bowing his or her head, without speaking, and such Member shall there by reserve to himself or herself the same rights of speech as he or she would have had if some other Member had seconded such motion.

#### **47. Interruption of debates and Members' Speeches**

Debate may be interrupted-

- (a) by a point of order being raised;
- (b) by a matter of privilege suddenly arising;
- (c) by attention being called to the presence of strangers; or
- (d) upon a point of information, clarification or elucidation being raised.

#### **48. Closure of Debate**

- (1) After a question has been proposed in the House or in the Committee of the Whole House and debated, a Member may move " That the question be now put", and, unless it appears to the Speaker that the motion is an abuse of the Rules of the House or an infringement of the rights of any Member , the question "That the question be now put" shall be put immediately and decided without amendment and debate.

- (2) If the question of closure is agreed by a majority, the motion which was being discussed when the closure motion was moved shall be put immediately without further discussion.

#### **49. Conduct of Members during Debate**

- (1) During a sitting-
  - (a.) all Members shall enter or leave the House with decorum;
  - (b) a Member shall not cross the floor of the House unnecessarily;
  - (c) while a Member is speaking, all other Members shall be silent and shall not make unseemly interruptions;
  - (d) when a Member has finished his or her observations he or she shall resume his or her seat;
  - (e) a Member shall not, without the consent of the Speaker, read in House any paper, book or other document whether directly or indirectly connected with the business of the House;
  - (f) a Member shall not bring into the House any unauthorized device;
  - (g) clapping shall not be permitted in the House;
  - (h) all Members shall, except with the permission of the Speaker, dress in a dignified manner as described in the dress code under Annex IV.
- (2) The Commission shall make a list of unauthorized devices under sub-rule (1)(f) and may from time to time review it as the Commission deems necessary.

### **PART X**

#### **ORDER IN THE HOUSE AND IN THE COMMITTEE OF THE WHOLE HOUSE**

#### **50. Order in the House and in the Committee**

- (1) Order shall be maintained in the House by the Speaker and in the Committee of the Whole House by the Chairperson.
- (2) A Member contributing, debating in the House or Committee shall ensure that his or her contribution is relevant to the subject, not tedious and does not use objectionable words.
- (3) The Speaker or the Chairperson after calling the attention of the House or the Committee to the conduct of a Member, who persists in the irrelevance or tedious repetition of his or her own arguments, or of the arguments made by other Members in the debate, may direct the Member to discontinue his or her speech.

- (4) If a Member persists in irrelevance or tedious repetitions or uses objectionable words and on being called to order fails to retract or explain the words and offer an apology to the satisfaction of the Speaker, any Member may move that the Member using the objectionable words be no longer heard, and the question of that motion shall be put without amendment or debate.
- (5) The Speaker shall order any Member whose conduct is grossly disorderly, to withdraw immediately from the House for the remainder of that day's sitting; and the Clerk or the Serjeant-at-arms shall act on the orders as he or she may receive from the Chair to ensure compliance with this rule.
- (6) Conduct is grossly disorderly not only if the member concerned creates actual disorder, but also if he or she knowingly raises a false point of order, or commits any serious breach of these Rules, or persists in making serious allegations without (in the Speaker's opinion) adequate substantiation or otherwise abuses his or her privileges, or deliberately gives false information to the House or refuses to answer a legitimate question or acts in any other way to the serious detriment of the dignity or orderly procedure of the House.
- (7) Every Member shall bow to the Chair in passing to or from his or her seat or while crossing the floor of the House.
- (8) A Member shall not pass between the Chair and any Member who is speaking or between the Chair and the Table, except in so far as it is necessary for the purpose of administration of the Oath or Affirmation of Allegiance.
- (9) When the House adjourns, Members shall stand in their places until the Speaker has left the Chamber.

## **51. Defamatory Statement**

- (1) Whenever in the opinion of the Speaker or a Member presiding in Committee, a statement made by a Member is *prima facie* defamatory of any Member or person, the Speaker or the Member presiding shall refer the matter to the Committee on Legal, Rules and Privileges which shall report its findings to the House within ninety days or within such a period as may be practicable.
- (2) Where the Committee reports to the House that the statement made by the Member is defamatory of any person, the Member who made the statement shall, within seven days after that report, render an apology at the Bar of the House, the terms of which shall be approved by the Committee and communicated to the person who has been defamed.

- (3) Where a Member refuses to render an apology in accordance with sub-rule (2) of this rule, the Speaker, upon the circumstances of the matter being reported to him or her by the Chairperson of the Legal, Rules and Privileges Committee shall suspend the member for the duration of the Meeting, unless the House otherwise orders.

## **52. Suspension of Members**

- (1) Whenever the conduct of a Member is grossly disorderly, and in the opinion of the Speaker or the Chairperson, it cannot be adequately addressed under sub-rule (4) of rule 50 he or she may name the Member.
- (2) Whenever a Member is named by the Speaker or the Chairperson then-
  - (a) if the offence has been committed by such Member in the House, a motion shall immediately be moved by another Member requesting the Speaker to suspend the Member named from the service of the House; or
  - (b) If the offence has been committed in a Committee of the Whole House, the Chairperson shall immediately leave the Chair and report the circumstances to the House and a Member shall there and then, move a motion requesting the Speaker to suspend the Member named from the House.
- (3) Notwithstanding the provisions of sub-rule (1) of rule 32, a motion moved under sub-rule (2) shall not require to be seconded and the question shall be put by the Speaker immediately.
- (4) No amendment, adjournment or debate shall be allowed on the motion moved under sub-rule (2).
- (5) If a motion requesting the speaker to suspend a Member is carried, the Speaker shall immediately suspend the Member from the service of the House.
- (6) If a Member is suspended, his or her suspension on the first occasion shall be for the next one Sitting excluding the sitting in which he or she was suspended; on the second occasion in a Session, for the next three sittings excluding the sitting in which he or she was suspended, and on the third and any subsequent occasion during the same session, for the next fourteen Sittings the House excluding the Sitting in which the member was suspended.

- (7) Notwithstanding the number of days a Member has been suspended, the suspension shall cease at the end of the Session in which he or she was suspended, unless the House otherwise orders.
- (8) Where a Member who has been suspended from the service of the House under this rule refuses to obey the direction of the Speaker when summoned under the Speaker's orders by the Serjeant-at Arms to obey such direction, the Speaker shall call the attention of the House to the fact that recourse to force is necessary in order to compel obedience to his or her direction, and the Member shall accordingly, be forcibly ejected from the House.

**53. Members Suspended to Withdraw from Precincts**

A Member who is ordered to withdraw under sub-rule (5) of rule 50 or who is suspended under rule 52 shall forthwith withdraw from the precincts of the Assembly and shall during the period of such withdrawal or suspension continuously forfeit his or her right of access thereto.

**PART XI**

**VOTING IN THE HOUSE**

**54. All Questions to be decided by Majority**

- (1) In accordance with the provisions of Article 58 of the Treaty, all questions proposed for decision of the House shall be determined by a majority of votes of the elected Members present and voting.
- (2) The Speaker or the Chairperson of a Committee shall have neither an original nor a casting vote.
- (3) If upon any question before the House the votes are equally divided, the motion shall be lost.

**55. Declaration of Personal Interest in Community's Contracts**

- (1) A Member who is directly or indirectly involved in any contract with the Community shall, in any proceedings in the House relating to the contract, declare his or her interest or that of the firm and shall not vote on any question relating to that contract.
- (2) If a Member fails to declare his or her interest under sub-rule (1), another Member may raise the matter in the House and the Speaker may order that the first mentioned Member shall not vote on the contract and may refer the conduct of that Member to the Legal, Rules and Privileges Committee.

- (3) The Committee may, after investigation, recommend to the House such action on the matter as it may consider appropriate.

## **56. Ex-Officio Members of the Assembly**

Any person who, by virtue of Article 48 of the Treaty is an ex-officio Member of the House, shall not vote; and accordingly, the Speaker shall take all necessary practical steps to ensure that any such person does not vote on any issue requiring voting.

## **57. Manner of Voting**

- (1) When the question has been put by the Speaker or the Chairperson on a decisional matter, the votes shall be taken by show of hands, by voice voting, by secret ballot, by division of lobby or by electronic voting and the result shall be declared by the Speaker or the Chairperson.
- (2) Where the question is put on any procedural matter the votes shall be taken by voices of “Ayes” and “Noes” and the results shall be declared.

## **58. Count**

- (1) Where the Treaty requires a particular majority of votes for a decision, the Speaker shall ascertain the quorum and voting shall be by count.
- (2) Where after the Speaker or the Chairperson has announced the result of the voices vote under rule 57 (2) and immediately, not less than one third of the Members or more stand in their places signifying their disapproval of the outcome of the vote, the Speaker or the Chairperson shall order for a count.
- (3) All questions proposed for decision in the Assembly shall be determined by a majority of the Members present and voting.
- (4) At the conclusion of a debate, the question either in its original or on its amended form, as the case may be, shall be put by the Speaker for the decision of the Assembly, and the Speaker shall then say “as many as are of that opinion say “Aye”: as many as are of the contrary opinion say “No”.
- (5) Unless provided otherwise in these Rules, all questions shall be decided by a majority of voices and the result shall be declared by the Speaker,

who shall say "I think the Ayes have it" or "I think the No's have it" as the case may be, but any Member may forthwith challenge the opinion of the Speaker and claim a Count by rising in his place and calling "count".

- (6) If any Member claims a count the Speaker shall direct a count to be taken if-
  - (a) he or she considers that there is a reasonable doubt as to the outcome of the vote in question; or
  - (b) five or more further Members rise in their places to support the Member claiming the count.
- (7) In the event of the Speaker directing a count, the Clerk shall immediately after such direction ring the count bell for a period of two minutes, and after such interval the votes shall be taken by the Clerk, calling each Member's name separately and asking him or her how he or she desires to vote and recording the votes accordingly, and the Clerk shall then announce the number of those who voted for the proposal, those who voted against and those who abstained from voting and the Speaker shall declare the result of the votes.

#### **59. Voting in Error**

If a Member rises in his or her place before the Speaker has announced the results of the votes, and states that he or she had voted in error, or that his or her vote has been wrongly counted and the Speaker is satisfied that the error is a genuine one and not a mere change of mind, the Speaker shall order the error to be corrected before declaring the results of the vote.

### **PART XII LEGISLATIVE PROCEDURES**

#### **60. Programme of the Assembly**

- (1) Before the end of each financial year the Commission in collaboration with Chairpersons of Standing Committees shall draw up the Programme of the Assembly for the following financial year.
- (2) The Commission in collaboration with Chairpersons of Standing Committees may revise the programme at the beginning of the second half of the financial year.

#### **61. Bills**

- (1) Every Bill shall be printed and published in the Gazette before its introduction to the Assembly.



- (2) On publication of the Bill in the Gazette, the Clerk shall immediately dispatch a copy to every Member.
  - (3) Matters with no proper relation to each other shall not be provided for in the same Bill.
- (4) No Bill shall contain anything foreign to what its long title imports.

## **62. Urgent Bills**

- (1) Where the House determines on a motion by any Member, that a particular Bill is of an urgent nature, that Bill may be introduced without publication.
- (2) Copies of the Bill referred to in sub-rule (1) shall be distributed to Members and the Bill may be taken through all its stages in a day notwithstanding anything in these Rules.

## **63. Prohibition of Bills derogating from Human Rights Covenants**

No Bill, motion or amendment shall be introduced in the House, which in the opinion of the Speaker or the House is likely to result in the derogation from the enjoyment of any of the particular human rights and freedoms specified in the United Nations Charter for Human Rights, United Nations Universal Declaration of Human Rights, and African Charter on Human and Peoples Rights or any other human rights instruments to which a Partner State is signatory.

## **64. Private Members' Bills**

- (1) Every Member has a right to move a Private Members' Bill.
- (2) The Member moving a private Members' Bill shall be afforded reasonable assistance by the office of the Counsel to the Community.
- (3) The office of the Counsel to the Community shall afford the Member moving the Private Members' Bill professional assistance in the drafting of the Bill.
- (4) The Clerk shall compile the final Bill to be attached to the motion under sub-rule (5).
- (5) A Private Members' Bill shall be introduced first by way of motion to which shall be attached the proposed draft of the Bill.

- (6) If the motion is carried, the printing and publication of the Bill in the Gazette shall be the responsibility of the Clerk.
- (7) Following the publication of the Bill in the Gazette, the progress of the Bill shall be the same as that followed in respect of other Bills under these Rules.
- (8) A Committee of the House may initiate any Bill within its area of competence.
- (9) A Bill initiated by a Committee shall be introduced by the Chairperson of the Committee in the same manner as a Private Members' Bill.

**65. Reading of Bills**

Every Bill shall, after introduction, be read three times prior to its being passed.

**66. First Reading**

- (1) At the time of presenting Bills, the Speaker shall call successively each Member in whose name a Bill stands on the Order Paper.
- (2) The Member called under sub-rule (1) shall rise and move that the Bill be read the first time and no question shall be put.
- (3) The Clerk shall read aloud the short title of the Bill and the Bill shall then be taken as read the first time.
- (4) A Bill having been read a first time shall stand committed to the relevant Committee without question put.
- (5) The Committee to which a Bill is committed shall present its report to the House within ninety days and thereafter, the Bill shall be read for the second time: provided that a Committee which does not complete its report within the given period may by leave of the House, continue its work on the Bill for a further thirty days.

**67. Functions of the Committee on Bills**

- (1) A Committee to which a Bill is committed shall not discuss the principles of the Bill, but only its details.
- (2) The Committee may recommend any amendments in the Bill as it considers fit, if the amendments are relevant to the subject matter of the Bill.

- (3) The Chairperson of a Committee to which a Bill is committed may accept proposals for the correction of obvious misprint and punctuation errors, and may instruct the Clerk to make necessary amendments to the Bill without any formal amendment being moved by a Member of the House.

## **68. Second Reading**

- (1) Subject to this rule, the Chairperson of the Council or other Member in charge of the Bill shall move that the bill be read a second time and may speak to the motion.
- (2) The Chairperson of the Committee to which the Bill is referred or a Member of the Committee designated by the Committee or by the Speaker shall, after the motion for the Second Reading has been moved under sub-rule (1) and seconded, present to the House the report of the Committee on the Bill.
- (3) A debate shall then ensue on the merits and principles of the Bill on the basis of the explanatory memorandum and the report from the Committee.
- (4) If the motion is carried, the Clerk shall read aloud the short title of the Bill, and the Bill shall then be taken to have been read the second time.

## **69. Committee of the Whole House**

- (1) Whenever the Committee stage of any Bill is reached, the Speaker shall leave the Chair without putting any question and the House shall then resolve itself into a Committee of the Whole House.
- (2) Proceedings of the Committee of the Whole House shall be under the Chairmanship of the Speaker acting as Chairperson of the Committee of the Whole House.

## **70. Procedure in Committee of the Whole House**

- (1) When the House resolves itself into a Committee, the Clerk shall call the number or each clause in succession for consideration of the Committee of the Whole House.
- (2) If no amendment is proposed on, or all proposed amendments have been disposed of, the Chairperson shall propose the question "That the clause (or the clause as amended) stand part of the Bill".
- (3) Where in case of a clause called -
  - (a) the Chairperson is satisfied that there has been sufficient debate on it, or

(b) all Members who wish to speak on it have spoken, the Chairperson shall put the question to the Committee for its decision.

- (4) Any proposed amendments for which notice has not been given shall be handed to the Chairperson in writing.
- (5) No amendment shall be moved which is inconsistent with any clause already made or any decision already made by the Committee, and the Chairperson may, at any time during the discussion of a proposed Amendment, withdraw it from the consideration of the Committee if in his or her opinion the discussion has shown that the amendment contravenes this sub-rule.
- (6) If any proposed amendment refers to or is not intelligible without a subsequent amendment, notice of the subsequent amendment shall, unless the Chairperson otherwise permits, be given before or when the first amendment is moved, so as to make the series of amendments intelligible.
- (7) The Chairperson may refuse to propose the question upon any amendment of which less than one day's notice has been given.
- (8) Amendments to Bills, shall be debated in the same manner as motions and amendments to motions under these Rules, save with the substitution of the word "clause" for the word "motion" throughout; and any amendment proposed to such an amendment shall be dealt with before a decision is taken on the original amendment.
- (9) When two or more amendments are proposed on the same clause, the Chairperson shall call upon the movers in the order in which their amendments are related to the text of the clause.
- (10) The amendment which in the opinion of the Chairperson departs furthest from the text and discussion shall be debated and disposed of first.
- (11) Where two or more proposed amendments to any clause seek to attain the same objective but in different ways, or the wording of the amendments differs, the sponsors of the amendment may be required by the Chairperson to discuss their amendments and to reconcile them or agree on compromise amendments that will be acceptable to their sponsors.
- (12) When every amendment to an amendment has been disposed of, the Chairperson shall either again propose the question upon the original amendments as amended.
- (13) The consideration of a clause may be postponed unless a decision has already been taken.

- (14) Postponed clauses shall be considered after the remaining clauses of the Bill have been considered and before new clauses are brought up.
- (15) Any proposed new clause shall be considered after the clauses of the Bill have been disposed of and before consideration of any schedule to the Bill: except that a new clause proposed in substitution for a clause which has been disagreed to, may be considered immediately after the disagreement.
- (16) Upon the title of any new clause being read by the Clerk, the clause shall be deemed to have been read the First Time.
- (17) The question shall be proposed "that the clause be read a Second Time" and if it is agreed to, amendments may then be proposed to the new clause.
- (18) The final question to be proposed shall be "That the clause (as amended) be added to the Bill".
- (19) Schedules shall be disposed of in the same way as clauses and any proposed new schedules shall be considered after the schedules to the Bill have been disposed of, and shall be treated in the same manner as new clauses.
- (20) An amendment, new clause or new schedule may be withdrawn at the request of the mover by leave of the Committee before the question has been put on it.
- (21) If the question has been proposed on an amendment to an amendment to a new clause or new schedule, the original amendment, new clause or new schedule may not be withdrawn until the amendment to it has been disposed of.
- (22) When every clause and schedule and proposed new clause or schedule has been dealt with, the preamble, shall be considered and the question put "That this preamble (as amended) be the preamble of the Bill".
- (23) No amendment to the preamble shall be considered which is not made necessary by a previous amendment to the Bill.
- (24) If any amendment to the title of the Bill is made necessary by an amendment to the Bill, it shall be made at the conclusion of the proceedings detailed in this rule, but no question shall be put that the title (as amended ) stand part of the Bill nor shall any question be put upon the enacting formula.
- (25) At the conclusion of the proceedings in the Committee on a Bill, the Member in charge of the Bill may move "That the Bill (as amended) be

reported to the House” and the question on the Bill shall be decided without amendment or debate.

(26) On resumption of proceedings, any business which the Committee of the Whole House was reported that it has been unable to complete, shall be placed on the Order of Business for a subsequent Sitting.

## **71. Third Reading**

- (1) On the adoption of a report on a Bill, the Third Reading may with the leave of the Speaker be taken forthwith and if not so taken shall be ordered to be taken on a day named by the Speaker.
- (2) At the Third Reading of a Bill a motion shall be made “That the ... Bill be now read a Third Time” and do pass.

## **72. Re-committal of Bills**

- (1) If any Member desires to delete or amend any provisions contained in a Bill as reported from the Committee of the Whole House or to introduce any new provision in the Bill, he or she may, at any time before a Member rises to move the Third Reading of the Bill, move that the Bill be recommitted either wholly or in respect only of some particular amendment or amendments.
- (2) No notice of the motion is required and if the motion is agreed to, the Bill shall stand so recommitted.
- (3) When the whole Bill has been recommitted, the Committee shall go through the Bill as provided in rule 69.
- (4) When the Bill has been recommitted in respect only of some particular clause, amendment or amendments, the Committee shall consider only that amendment or those amendments and any amendment which may be moved to them, unless the Chairperson in his or her discretion is satisfied that the clause, amendment or amendments proposed are substantial and it is necessary or desirable to reconsider the whole Bill as provided in sub-rule (3).
- (5) At the conclusion of the proceedings in Committee of a Bill recommitted, the Member in charge of the Bill may move “That the House do resume and that the Bill (as amended on recommitment) be reported to it” and the question on it shall be put without amendment or debate.
- (6) If the motion is agreed to, the House shall resume and the Member in charge of the Bill shall report to the House and the House may then proceed to the Third Reading of the Bill as provided in Rule 71.

## **73. Bills returned by a Head of State without Assent**

- (1) The Speaker shall, after receiving notification from a **Head of State** informing him or her about withholding his or her assent to a Bill, communicate this development to the House.
- (2) The Member in whose name the Bill stood shall lay the copy of the returned Bill and the reasons advanced by the Head of State on the Table of the House.
- (3) The Bill shall thereafter be referred to the relevant Committee for scrutiny and report.
- (4) On the date appointed for reconsideration of the Bill, the Committee shall present a report to the House.
- (5) The Bill shall then be recommitted for only those clauses to which the **Head of State** objected in accordance with rule 72.

### **PART XIII BUDGETARY PROCEDURES**

#### **74. Assembly's control over implementation of the Budget**

- (1) The Assembly shall monitor the implementation of the budget of the Community through the Committee responsible for budgetary control and other relevant Committees.
- (2) No expenditure of any resources of the Community shall be made without approval of the Assembly as provided for in Article 132 of the Treaty.
- (3) Resources under this rule includes resources as provided for under Articles 132 and 133 of the Treaty.
- (4) Each year the Assembly shall consider, before the presentation of the budget for the following financial year, the problems involved in the implementation of the current budget, where appropriate on the basis of a motion for a resolution tabled by the relevant Committee.

#### **75. Presentation of the Budget**

- (1) Subject to the Provisions of the Treaty, the statement of estimates of annual revenue and expenditure of the Community herein referred to as the Budget shall be presented to the House on such a day as the Commission may appoint.
- (2) The Chairperson of the Council shall, in the Budget present-
  - (a) the Financial Statement; and

- (b) Estimates of Expenditure;
- (3) On presentation of the Budget-
  - (a) the financial statement shall stand committed to the Committee of Ways and Means; and
  - (b) the Estimates of Expenditure shall stand committed to the Committee of Supply.

**76. Committee of Ways and Means**

- (1) There shall be a Committee of Ways and Means which shall be a Committee of the Whole House.
- (2) The Committee shall consider the Financial Statement presented by the Council.
- (3) Upon an Order of the Day for the Committee of Ways and Means being read the Speaker shall leave the Chair without question put and the House shall resolve itself into a Committee to consider the Financial Statement.
- (4) In moving a motion under sub rule (3) the proposer shall be entitled to refer to the revenue of the Community and the manner in which he or she proposes the revenue to be raised, and in debating the motion, members shall be entitled to refer to similar matters.
- (5) The debate on the motion shall be limited to fifteen days exclusive of the mover's reply.

**77. Committee of Supply**

- (1) There shall be a Committee of the Whole House designated as "the Committee of Supply" to which shall be referred the Annual Estimates, any Supplementary Estimates and any Vote on Account.
- (2) Upon an Order of the Day for the Committee of Supply being read, the Speaker shall leave the chair without question put unless a Member moves "That the House do resolve itself into Committee of Supply" for the purpose of enabling the initiation of a debate on the policy implied under a vote.
- (3) The House shall consider the Annual Estimates in the Committee of Supply for a period not exceeding seven days.
- (4) The House shall consider any Supplementary Estimates relating to the financial year or any part thereof.



- (5) The House shall consider any vote on account in the Committee of Supply.

**78. Consideration of Resolutions in Committee of Supply**

- (1) When the House is in Committee of Supply the resolution shall be considered in the following manner:-
- (a) on Annual Estimates -
- (i) upon the completion of consideration of the vote, the Chairperson shall put the question that the amount proposed be provided for under the vote;
  - (ii) after a vote has been disposed of, it is not in order to refer to that vote in proceedings on a motion relating to another vote, except for the purpose of examples or illustration;
  - (iii) the Committee shall not attach a condition or an expression of opinion to any resolution approving a vote;
  - (iv) notwithstanding the rules relating to motions, any Member may request for information relating to the details of any vote;
  - (v) the details of the financial provisions proposed to be made by a vote shall be debated, and such debate may extend to the policy implied by the vote; and
  - (vi) on the last of the allotted days, the Chairperson shall, at such time as he or she considers necessary to dispose the vote under consideration and shall immediately put severally, the question with respect to the vote not yet considered namely, that the total amounts of the votes outstanding be provided for services specified, and no debate shall take place on the questions put;
- (b) on the Supplementary Estimates -
- (i) consideration of the resolution may not exceed two days;
  - (ii) the debate on supplementary estimates shall be restricted to the expenditure authorized by that supplementary estimate and it is not in order to canvass the policy of, or the expenditure authorized by, any estimate to be supplemented by the supplementary estimate; and
  - (iii) in all other matters the provisions of paragraph (a) shall apply;.

- (c) on Vote on Account -
  - (i) consideration of the resolution may not exceed one day;
  - (ii) if it appears that a vote on account is unlikely to be fully considered by the end of one day, the Chairperson shall, at any time he or she considers necessary to conclude the business relating to the Vote on Account, put the question necessary to dispose of the Vote on Account;
  - (iii) upon the completion of the consideration of the Vote on Account, the Chairperson shall put the question that the amount proposed be provided for the Vote on Account.
- (2) Any report of resolution from the Committee of Supply shall, unless the House otherwise orders be received and considered immediately upon a motion that the report be adopted.

#### **PART XIV COMMITTEES OF THE ASSEMBLY**

##### **79. Appointment of Committees**

The Assembly shall appoint relevant Committees necessary for the efficient discharge of its functions.

##### **80. Standing Committees**

- (1) The House shall have Standing Committees as provided under this Rule.
- (2) There shall be the following Standing Committees of the House -
  - (a) Accounts;
  - (b) Legal, Rules and Privileges;
  - (c) Communication, Trade and Investment
  - (d) Agriculture, Tourism, and Natural Resources
  - (e) Regional Affairs and Conflict Resolution; and
  - (f) General Purpose
- (3) The Members of the Standing Committees shall be nominated from among the Members of the Assembly and shall serve for a term of two and half years and thereafter fresh nominations shall be done.
- (4) Subject to these Rules, the Chairperson of each Standing Committee shall be elected by the Members of that Committee from among their number and shall serve for a term of two and half years.

- (5) Each elected Member shall serve on two Committees; Provided that a Member may serve on three Committees to reflect equal representation by the Partner States.
- (6) The Membership of each Committee shall be fifteen and the quorum shall be at least half of the Members.

## **81. Functions of the Standing Committees**

- (1) The functions of the Standing committees shall be to-
  - (a) examine, discuss and make recommendations on all Bills laid before the Assembly;
  - (b) initiate any Bill within their respective mandate;
  - (c) assess and evaluate activities of the Community;
  - (d) carry out relevant research in their respective mandate;
  - (e) examine policy matters affecting their subject areas;
  - (f) initiate or evaluate action programmes under those subject areas and to make appropriate recommendations thereon;
  - (g) examine the Community's recurrent and capital budget estimates; and
  - (h) report to the Assembly on their functions.
- (2) Each Committee shall exercise these functions in accordance with the mandate in Annex 5 as may be amended from time to time by the Commission.

## **82. Select Committees**

- (1) The House may, at any time, upon a motion made after notice given, appoint a Select Committee to be nominated by the Commission, for the consideration or investigation of such matters as the House may refer to it and to report on any such matters to the House.
- (2) A Committee appointed under sub-rule (1) shall elect its Chairperson.

## **83. Commission**

- (1) Members of the Commission shall be elected as soon as the Assembly is constituted and shall comprise the Speaker, the Chairperson of the Council who shall be an ex officio Member and two Members of the Assembly from each Partner State, elected by the Assembly.

- (2) The election of Members of the Commission shall be by secret ballot and in accordance with Section 3(2) of the Administration of the Assembly Act, 2012 and shall hold office for two and a half years.
- (3) Nominations for Members of the Commission shall be forwarded to the Clerk by Members.
- (4) A Member of the Commission may cease to hold office or be removed from office upon -
  - (a) resignation;
  - (b) ceases to be qualified in accordance with Art. 51 of the Treaty;
  - (c) by a resolution of the House supported by two-thirds of the Assembly.
- (5) The functions of the Commission shall be to -
  - (a) manage, organize the business and programmes of the Assembly;
  - (b) nominate Members of Standing and other Committees;
  - (c) make recommendations to the Council on the terms and conditions of service of Members of the Assembly;
  - (d) recommend to the Council the appointment of the Clerk and other officers of the Assembly;
  - (e) make recommendations to the Council on salaries and other terms and conditions of service of the Clerk and other officers of the Assembly;
  - (f) make recommendations to the Council on appointment, promotion and exercise of disciplinary control over officers and other staff of the Assembly;
  - (g) cause to be prepared in each financial year, estimates of revenue and expenditure for the Assembly for the next financial year;
  - (h) recommend to the Council, Staff Rules and Regulations for the staff of the Assembly; and
  - (i) perform such other functions as may be necessary for the well being of the Members and staff of the Assembly so as to ensure the effective and efficient functioning of the Assembly.
- (6) The bi-annual reports of the Commission produced under section 19 of the Act shall be laid on the Table by any designated Member of the Commission.

**PART XV**  
**APPLICATION AND AMENDMENT OF THE RULES OF PROCEDURE**

**84. Application of the Rules of Procedure**

- (1) Notwithstanding the provisions of any rule to the contrary, any Member may with leave of the House move that any rule be suspended in its

application to a particular motion before the House and if the motion is carried, the rule in question shall stand suspended.

- (2) Should doubt arise over the application or interpretation of these Rules or where any matter is not expressly provided for by these rules or any law, that question shall be decided by the Speaker.

## **85. Amendment of the Rules**

- (1) Any Member may propose amendments to these Rules.
- (2) Any member wishing to propose any amendment to these Rules shall forward his or her proposal to the relevant Committee which shall consider the proposal and report to the House.
- (3) Amendments to these rules shall be adopted only if they secure the votes of the majority of the Members.
- (4) Amendments to these Rules shall enter into force immediately following their adoption.

## **PART XVI PETITIONS**

## **86. Right of Petition**

- (1) Any Citizen of the Partner States, and any natural or legal person residing or having its registered office in a Partner State, shall have the right to address, individually or in association with other citizens or persons, a petition to the Assembly on a matter which comes within the Community's fields of activity and which affects him, her or it directly.
- (2) Petitions to the Assembly shall show the name, occupation, nationality and permanent address of each petitioner.
- (3) Petitions shall be written in the official language of the Community, which is English, and petitions written in any other language shall be considered only where the petitioner has attached a translation or summary drawn up in the official language of the Community.
- (4) Petitions shall be entered in a register in the order in which they are received if they comply with the conditions laid down in sub-rule (2), and

those that do not shall not be filed and the petitioner shall be informed of the reasons therefore.

- (5) Petitions entered in the register shall be forwarded by the Speaker to the Committee responsible, which shall first ascertain whether the petitions registered fall within the sphere of activities of the Community.
- (6) Petitions declared inadmissible by the Committee shall not be filed; the petitioner shall be informed of the decision and the reasons therefore, in such cases the Committee may suggest to the petitioner, that he contacts the competent authority of the Partner State concerned or of the Community.
- (7) Unless the person submitting the petition asks for it to be treated in confidence, it shall be entered in a public register.

#### **87. Examination of Petitions**

- (1) The Committee responsible may decide to draw up a report or otherwise express its opinion on petitions it has declared admissible.
- (2) When considering petitions, the Committee may organize hearings or dispatch Members to establish the facts of the situation.
- (3) The Committee shall where necessary submit motions for resolutions to the Assembly on petitions which it has considered.
- (4) The Speaker shall inform petitioners of the decisions taken and the reasons therefore.

#### **88. Notice of Petitions**

- (1) Notice shall be given in the Assembly of the petitions entered in the register referred to in rule 86 (4) and the main decisions on the procedure to be followed in relation to specific petitions.
- (2) The title and a summary of the texts of petitions entered in the register, together with the texts of the opinions and the most important decisions forwarded in connection with the examination of the petitions, shall be made available to the public in a database, provided the petitioner agrees to this, and confidential petitions shall be preserved in the records of the Assembly, where they shall be available for inspection by Members.

### **PART XVI MISCELLANEOUS PROVISIONS**

## **89. Reports by Members representing the Assembly**

- (1) Within twenty one **Sitting** days of return by an officially recognized parliamentary delegation or a delegation with some Members and staff of the Assembly, the head of the delegation or any Member acting on his or her behalf, shall present a report to the House on the activities of the delegation.
- (2) After tabling of a report under sub rule (1), a limited debate may ensue.

## **90. Minority Report**

- (1) Any Member or Members dissenting from the opinion of a majority of a Committee may state in writing the reasons for his or her or their dissent, and the statements of reasons shall be appended to the report of the Committee.
- (2) The Member dissenting from the opinion of the majority of the Committee shall be given time to present the minority report at the time of the Committee report.

## **91. Statement by Chairperson Council of Ministers**

- (1) The Chairperson Council of Ministers may make a statement at the appropriate time on the sequence of business prescribed by rule 16(1) with the prior permission of the Speaker, whether for the purpose of explaining the policy of the Community or action upon any matter in any Partner State.
- (2) No debate shall follow from the statement made under sub-rule (1) but elucidatory questions may, with the permission of the Speaker, be asked of the Minister making the statement.

## **92. Assistance to Persons with Disabilities**

- (1) Notwithstanding anything in these Rules, the Speaker or a Chairperson of a Committee shall take all necessary steps to ensure that persons with disabilities are facilitated in their participation in the proceedings of the House or its Committees including, in appropriate cases in-
  - (a) allowing a person who is not a Member or an officer of the House to give reasonable assistance to a Member with disabilities; or

- (b) allowing a Member with disability to bring into the House crutches, equipment or other aid needed by the Member owing to his or her disability to enable that Member to participate in the proceedings of the House or Committee.
- (2) A person allowed to give assistance to a Member under paragraph (a) of sub-rule (1) shall act with decorum and dress in a dignified manner.

### **93. Leave of Absence**

- (1) Every Member shall, during the Session of the Assembly or any special Sitting, attend the Sittings of the House unless leave of absence has been granted to him or her by the Speaker.
- (2) Except with the permission of the Speaker in writing, a Member shall not absent himself or herself from seven consecutive Sittings of the House during any period when the House is continuously sitting.
- (3) Where any Member is alleged to have infringed sub-rule (2), the conduct of such Member shall be referred by the Speaker to the Committee on Legal, Rules and Privileges Committee which shall consider the matter and report to the House.

### **94. Dissolution of the Assembly**

- (1) The Assembly shall stand dissolved upon the expiration of its term as prescribed by the East African Legislative Assembly Elections Act, 2012.
- (2) The Legal, Rules and Privileges Committee shall propose rules of procedure for handling any matter, taking into account the principles of natural justice, the provisions of the Treaty, and any other relevant laws, with the approval of the Assembly.

### **95. Commencement**

These Rules shall come into force on the day of adoption by the Assembly.

### **96. Adoption of Rules of Procedure**

- (1) The first sitting of the Assembly elected under the Treaty shall be an informal meeting during which the Rules of Procedure of the Assembly shall be adopted.



- (2) The Clerk shall convene and preside over the informal meeting of the Assembly under sub-rule (1)

## **97. Revocation and Savings**

- (1) The Rules of Procedure of the East African Legislative Assembly, 2001 are revoked.
- (2) Notwithstanding the revocation of the Rules under sub-rule (1), matters dealt with, done or purported to be done under those Rules shall continue and shall be deemed to have been done under these Rules.

## **ANNEX 1**

### **PRAYER**

Almighty God who in Your wisdom and goodness has appointed the offices of Leaders and parliaments for the welfare of Society, good of all human lives upon it and the just Government of its people: we beseech You to look with Your abundant favour upon us Your servants, whom You have entrusted with the performance of such important trust in This Community. Let Your blessings descend upon us here assembled. And grant that we may treat and consider all matters that shall come under our attention and deliberation in so just and Faithful a manner as to promote Your Honour and glory, and to advance the peace, prosperity and welfare of this region and of those whose interest You have committed to us. Amen.

## **ANNEX 2**

### **DECLARATION OF A MEMBER'S FINANCIAL INTERESTS**

- 1 Before speaking in the Committees, any Members who has a direct financial interest in the subject under debate shall disclose his or her interest to the House or Committee orally unless it is obvious from the written declaration made by him or her pursuant to Rules 2 and 3 of this Annex.
- 2 Each Member shall be required to make a detailed declaration of his or her professional activities.
- 3 Members shall also list any other paid functions or activities in so far as these are relevant.
4. The declaration referred to in rule 2 of this Annex shall be made in writing and entered by the Clerk of the Assembly in a register, the form of which shall be determined by the House. This register shall be open to the public for inspection.

## **ANNEX 3**

## **PROCEDURE FOR ELECTION OF A MEMBER TO PRESIDE AT THE SITTINGS OF THE ASSEMBLY IN THE ABSENCE OF THE SPEAKER**

1. The Clerk shall preside in the election of a Member to preside the Assembly in the absence of the Speaker. The Sitting shall be informal but in the Chamber of the House.
2. The nominations for candidates for election of a Member to preside in the Assembly shall be done on the floor of the House.
3. The Member wishing to propose a name for the person to preside shall rise in his or her place, and upon catching the eye of the person presiding, shall state that “I wish to propose that Hon\_\_\_\_\_do take the Chair to preside in the Assembly for today’s Sitting and subsequent Sittings until such time as the Speaker may be present”. The proposer shall be seconded and if the Member proposed consents to the nomination, he/she shall be deemed to be duly nominated.
4. If more than one Member has been duly nominated, the presiding officer shall call for a vote by show of hands. The Member scoring the highest number of votes shall be declared elected and conducted to the Chair of the Speaker.
5. If only one Member is nominated, he or she shall be declared elected and conducted to the Chair of the Speaker
6. The Member elected would then make extempore and brief remarks expressing gratitude for having been elected and submitting himself/herself to the will of the House, the supremacy of the Rules of the House Business and laying claim to the privileges of the Assembly and the Members.
7. The Member elected would make a short adjournment and would lead a procession to the “Office of the Speaker” for the Assembly and the Members.
8. The Speaker’s procession would then return to the House for continuation of the rest of the Business
9. During the debate in the House, thereafter, all Members shall refer to the Member elected as Mr. or Madam Speaker.

### **ANNEX 4 THE DRESS CODE**

#### **For the Hon. Speaker**

1. The Hon. Speaker when in the Chamber shall have:-
  - (a) a wig with no tails and ears which shall be used on ceremonial occasions. However, the Hon. Speaker may opt to use the wig on normal sitting days;
  - (b) a gown with the colours of the EAC whose background should be blue;

- (c) a black or dark navy blue suit;
- (d) a white shirt or blouse;
- (e) a black tie or scarf with EAC logo and one EAC tie/scarf; and
- (f) a pair of black shoe and socks.

2. The Speaker shall be annually provided with the above working attires.

### **For Hon. Members**

Members shall be required to enter the Chamber, Lounge or Dining Room decently and properly dressed befitting the dignity of the House. The particulars of the attire will be as follows:-

#### **(i) For Gentlemen**

- (a) Should be decently and smartly dressed (coat, blazer, shirt, tie, long trousers, socks and shoes).
- (b) Safari suit (short or long sleeved).
- (c) Decent national dresses of any of the Partner States of the EAC.
- (d) Decent traditional or religious attire.
- (e) Service uniforms.

#### **(ii) For Ladies**

- (a) Should be decently and smartly dressed (trouser or skirt suits, skirt (below the knee), blouses, shoes, while the gloves and hats will be optional.
- (b) Decent national dresses of any of the Partner States of the EAC.
- (c) Decent traditional or religious attire.
- (d) Service uniforms.

#### **(iii) For the Clerk and Deputy Clerk**

The Clerk or Deputy Clerk when in the Chamber his uniform shall comprise the following -

- (a) a gown whose background shall be blue with the colours of the EAC and distinct from those of other Clerks;
- (b) a black or dark navy blue lounge suit;
- (c) long sleeved light blue or white shirt or blouses;
- (d) black shoes and socks; and
- (e) a tie, black or blue/scarf with EAC logo or an EAC tie or scarf.

**(iv) For the Principal Clerk and other Clerks**

The Principal Clerk and other Clerks when in the Chamber their uniforms shall comprise the following:-

- (a) a gown with blue background and the colours of the EAC;
- (b) a black or dark navy blue suit;
- (c) a long sleeved light blue shirt or blouse;
- (d) black shoes and socks; and
- (e) a tie black or blue/scarf with EAC logo or EAC tie or scarf.

**(v) For the Serjeant-at-Arms**

The Serjeant-at-Arms dress while in Chamber shall comprise-

- (a) a long black tailored tunic jackets made to measure with shoulder flaps and embroidered finishing;
- (b) a long black trouser with stripes or scarves;
- (c) a long white sleeved shirt or blouse collarless;
- (d) a white scarf;
- (e) a pair of white hand gloves; and
- (f) black officers shoes and socks.

**(vi) For the Assistant-Serjeant-at-Arms**

Same as that for the Serjeant-at-Arms but distinguished by the lack of stripes on the trousers.

**(vii) For the Commissionaires**

1. The Commissionaires shall put on a tailored white uniform (a blazer and a trouser with blue or green stripes) with a black belt and black shoes.
2. The Clerk, Deputy Clerk, Principal Clerk and other Clerks, the Serjeant – at- Arms, Assistant Serjeant- at-Arms, and the Commissionaires shall be annually provided with their uniforms.

**(ix) For the Strangers**

**Speaker's Gallery**

Strangers in the Speaker's Gallery shall be dressed as follows:

**Gentlemen**

- (a) Decently and smartly dressed (coat, blazer, shirt, tie, long trousers, socks, shoes);
- (b) Safari suit short or long sleeved;
- (c) Decent national dresses of any of the Partner States of the EAC.
- (d) Decent traditional or religious attire;
- (e) Service Uniform.

**Ladies**

- (a) Decently and smartly dressed (trouser or skirt suits, skirt (below knee), blouses, and shoes; while the gloves and that will be optional.
- (b) Decent traditional or religious attire.
- (c) Decent national dresses of any of the Partner States of the EAC.
- (d) Service Uniform

**Public Gallery, Lounge and Dining**

No person, even if otherwise qualified shall be admitted to the Lounge, Dining Room, or Public Gallery unless they are in the opinion of the Serjeant- At-Arms

smartly and decently dressed which means long trousers/scarves, Shirts/blouses, socks, shoes or Service Uniforms.

## **ANNEX 5 FUNCTIONS OF EACH STANDING COMMITTEE**

Arising from the functions of the Standing Committees as specified in the provisions of rule 81 which constitute the basis of the Committees to carry out their role and functions, each Committee will carry out the following specific functions:

### **A. THE COMMITTEE ON ACCOUNTS**

1. The main functions of this Committee are to carry out a post audit review and scrutiny of the expenditure incurred by the EAC Secretariat, the Organs and Institutions of the sums appropriated in an annual budget approved by the EALA upon presentation by the Chairperson of the Council of Ministers of the EAC.
2. The post audit review and scrutiny of the expenditure will be on the basis of an annual audit report of the Audit Commission, pursuant to provisions of Articles 49(2) (c) and 134 of the Treaty; this function is a post budget and implementation of the budget by Organs and Institutions of the EAC.
3. The post audit function encompasses the need to monitor the implementation of the budget in a manner similar to internal audit, pursuant to rule 74 (1).
4. However, the functions of this Committee do not extend to discussion and scrutiny of the budget for the forthcoming Fiscal Year.
5. At the end of each post audit review and scrutiny of an audit report of the Audit Commission, the Committee shall present a report with recommendations to the House for debate and adoption.

## **B. THE COMMITTEE ON LEGAL, RULES AND PRIVILEGES**

1. The main functions of this Committee are broadly, to receive, review, scrutinize, investigate the complaints against legal entities within EAC of denial/deprivation of enjoyment or inappropriate enjoyment, and use contrary to provisions of the Treaty, Protocols and Agreements by any persons resident within the EAC, regardless of the legal status or the presence of such persons; oversight of the work of EAC – Sectoral Committees and organs.
2. The broad functions as in 1 above, hinge on complaints falling within but, not restricted to provisions of:-
  - (a) Chapter Twenty-Four – Legal and Judicial affairs;
  - (b) Chapter Twenty Nine General, Transitional and Final Provisions;
  - (c) Complaints of breaches of the provisions of rule 3 (Independent Mandate, Privileges and Immunities);
  - (d) Complaints of alleged breaches of the established Code of Conduct, Dress Code for Members, staff and strangers.
  - (e) Establishment of requisite codes of conduct and dress for Members, staff and strangers while within the precincts of the Assembly.
  - (f) Investigation into and recommendation of solutions of breaches/noncompliance with provisions of Annex II – Declaration of a Member's Financial Interests; of the Rules and Procedures.
  - (g) The receipt and disposal of proposals for the amendment of the Rules of Procedure.
  - (h) Complaints and alleged non-compliance with provisions of the Treaty.
3. Examine, discuss and make recommendations on governance matters under the Treaty.

## **C. THE COMMITTEE ON COMMUNICATION, TRADE AND INVESTMENT**

1. The main functions of this Committee are broadly to receive reports on the status of implementation of the provisions of the Treaty falling within their mandate; complaints of non-compliance in facilitating the

achievement of the objectives/goals of the Treaty; oversight of work and activities of the Sectoral Committee of the EAC and organs charged with implementation of provisions in this realm.

2. The broad functions in 1 above shall hinge on the following provisions of the Treaty, but not limited to them, these are-

- (a) Chapter Eleven - Co-operation in Trade, Liberalization and Development.
- (b) Chapter Twelve - Co-operation in Investment, and Industrial Development.
- (c) Chapter Thirteen - Co-operation in Standardization, Quality Assurance, Metrology and Testing.
- (d) Chapter Fourteen - Monetary and Financial Co-operation.
- (e) Chapter Fifteen - Co-operation in Infrastructure and Services.
- (f) Chapter Twenty-Five - The Private Sector and Civil Society.
- (g) Chapter Twenty-Six - Relations with other Regional and International Organizations and Development Partners.

#### **D. THE COMMITTEE ON AGRICULTURE, TOURISM, AND NATURAL RESOURCES**

1. The main functions of this Committee are broadly to initiate/review Legislation; receive/call for reports from Sectoral Committees, monitor/oversight of implementation of programmes/projects; receive and investigate complaints of non-compliance or failure to facilitate efforts to achieve objectives/goals; carry out studies of specified aspects of the programmes/projects in their realm.

2. The broad function will hinge on the following provisions of the Treaty, though not limited to them-

- (a) Chapter Eighteen - Agriculture and Food.
- (b) Chapter Nineteen and  
Natural Resources Management



- (c) Chapter Twenty - Co-operation in Tourism and Wildlife Management.

**E. THE COMMITTEE ON REGIONAL AFFAIRS AND CONFLICT RESOLUTION**

1. The functions of this Committee would revolve around the implementation of the provisions of the Treaty relating to regional affairs; the receipt of reports of the EAC – Sectoral Committees responsible for affairs following this realm; the initiation and conduct of studies, investigations; receipt of reports of complaints for non-compliance and the general oversight of the implementation of the programmes/projects/legislation in this realm.
2. The broad functions will hinge on the following provisions of the Treaty, though not limited to them-
  - (a) Chapter Seventeen - Free Movement of Persons, Labour, Services, Right of Establishment and Residence.
  - (b) Chapter Twenty Three - Co-operation in Political Matters.
  - (c) Chapter Twenty-Seven - Co-operation in other Fields.
  - (d) Chapter Twenty-Six - International Organisations and Development Partners.
3. The mode of operation will involve receipt of briefs and reports from the relevant EAC Sectoral Committee(s) in Chapter Seven of the Treaty. This will be in addition to the work in this area which the Committee could initiate on their own volition, or and that referred to them by the Hon. Speaker and the House.

**F. THE COMMITTEE ON GENERAL PURPOSE**

1. The functions of this Committee would revolve around the oversight of the progress made in the implementation of those provisions of the Treaty, which address matters of general application on the EAC in relation to the role and functions of the EALA. In that regard, the Committee would initiate studies and investigation, call for and receive reports of the work of bodies,

programmes and projects on such matters. As the Committee may find appropriate upon the receipt of reports from EAC Sectoral Committees; they would refer certain matters to such Committees for further study and report.

2. In carrying out their functions, the Committee would hinge on the oversight of the work of the EAC and Sectoral Committees emanating from the following provisions of the Treaty; though not restricted or limited to them-

- (a) Chapter Sixteen - Co-operation in the Development of Human Resources, Science and Technology.
- (b) Chapter Twenty One - Health, Social and Cultural Activities.
- (c) Chapter Twenty Two - Enhancing the Role of Women in Socio-Economic Development.
- Pre-budgeting function.

**ANNEX 6  
OATH OF ALLEGIANCE**

**OATH OR AFFIRMATION OF SPEAKER OF THE ASSEMBLY**

I \_\_\_\_\_  
do swear that, I will truly and faithfully serve the East African Legislative Assembly in the Office of the Speaker and that, in the exercise of the roles and functions of this Office, I will do right to all manner of persons; according to the Treaty for the Establishment of the East African Community, Rules of Procedure, Privileges, Conventions and Traditions of this Assembly; and that I will not directly or indirectly reveal any matter referred to the Assembly and committed to my secrecy. So help me God.

Sworn before the Assembly on \_\_\_\_\_ day of \_\_\_\_\_ 2014

\_\_\_\_\_  
**CLERK**

\_\_\_\_\_  
**SPEAKER**

**ANNEX 7  
OATH OF ALLEGIANCE**

**OATH OR AFFIRMATION OF MEMBERS**

I \_\_\_\_\_

Do swear/affirm that, I will give true and faithful service to this Assembly and that I will be faithful and bear true allegiance to the East African Community and will preserve, protect and defend the Treaty for the Establishment of the East African Community as by law established.

So help me God.

Sworn before the Assembly on the ..... day of ..... 2012

**Done at Arusha, Tanzania on 2015**