



THE REPUBLIC OF KENYA

LAWS OF KENYA

PETITION TO PARLIAMENT (PROCEDURE) ACT

NO. 22 OF 2012

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PETITION TO PARLIAMENT (PROCEDURE) ACT

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SCHEDULE —

FORM OF PETITION

NO. 22 OF 2012

PETITION TO PARLIAMENT (PROCEDURE) ACT

[Date of assent: 27th August, 2012.]

[Date of commencement: See Section 1.]

An Act of Parliament to give effect to Article 37 or 119 of the Constitution on the right to petition Parliament; to make provision for the procedure for the exercise of the right pursuant to those Articles; to enhance public participation in the parliamentary and legislative process and for connected purposes

[Act No. 22 of 2012.]

1. Short title and commencement

This Act may be cited as the Petitions to Parliament (Procedure) Act, 2012, and shall come into operation upon the final announcement of the results of the first elections under the Constitution.

2. Interpretation

In this Act unless the context otherwise requires—

“**Clerk**” means a Clerk of the National Assembly or the Senate;

“**petition**” means a written prayer to Parliament under Article 37 or 119 of the Constitution made in accordance with this Act;

“**petitioner**” means a person who petitions Parliament under Article 37 or 119, in accordance with the procedure set out in this Act;

“**Register**” means the register maintained by a Clerk under section 6; and

“**Speaker**” means the Speaker of the National Assembly or the Senate.

3. Form of petition

A petition to Parliament shall be in the form set out in the Schedule and shall—

- (a) be handwritten, printed or typed;
- (b) be in English or Kiswahili and be written in respectful, decorous and temperate language;
- (c) be free of alterations and interlineations in its text;
- (d) be addressed to the National Assembly or the Senate;
- (e) have its subject-matter indicated on every sheet if it consists of more than one sheet;
- (f) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory;
- (g) indicate whether the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body;
- (h) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;

- (i) subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;
- (j) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;
- (k) not have any letters, affidavits or other documents annexed to it;
- (l) in the case of a petition presented by a Member of Parliament on behalf of a petitioner, be countersigned by the Member presenting it; and
- (m) be signed by the petitioner, or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make his or her mark on the petition.

4. Procedure for presenting petition

(1) A petition to the National Assembly or the Senate shall be—

- (a) submitted to the Clerk of the relevant House by the petitioner; or
- (b) presented by a member of the National Assembly or the Senate on behalf of a petitioner, with the consent of the relevant Speaker.

(2) Notwithstanding section 4(1)(b), a member of the National Assembly or the Senate shall not be eligible to present a petition on his own behalf.

(3) The Clerk of the relevant House shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of this Act.

(4) Where the Clerk of the relevant House of Parliament considers that a petition does not comply with section 3, the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that section.

(5) A petition shall not be rejected merely because it is not addressed to the Clerk of the relevant House of Parliament, and where a petition is addressed to the Clerk of a House that has no authority to deal with the matter; the Clerk of that House shall refer the petition to the Clerk of the other House.

5. Consideration of petition

(1) The Clerk shall, if satisfied that the petition meets the requirements of this Act, forward the petition to the Speaker of the relevant House for tabling in the House.

(2) A petition that is tabled in Parliament under this Act shall be considered in accordance with the Standing Orders of the relevant House.

(3) The Clerk of the relevant House of Parliament shall, within fifteen days of the decision of the relevant House, in writing, notify the petitioner of the decision of the House.

6. Register of petitions

(1) The Clerk of each House of Parliament shall keep and maintain a register in which shall be recorded all petitions and supporting documents, and the decisions of the House.

Petition to Parliament (Procedure)

(2) The register of petitions under subsection (1) shall be accessible to the public during working hours.

SCHEDULE

[Section 3.]

FORM OF PETITION

I/We, the undersigned,

(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Kenya, residents of province or region, workers of industry, etc.)

DRAW the attention of the House to the following:

(Here, briefly state the reasons underlying the request for the intervention of the House by outlining the grievances or problems by summarizing the facts which the petitioner or petitioners wish the House to consider.)

THAT

[Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.]

THAT

[Here confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.]

HEREFORE your humble petitioner(s) Pray that Parliament—

(Here, set out the prayer by stating in summary what action the petitioners wish Parliament to take or refrain from.)

And your PETITIONER(S) will ever Pray.

<i>Name of petitioner</i>	<i>Full Address</i>	<i>National ID. or Passport No.</i>	<i>Signature/Thumb impression</i>
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SCHEDULE—*continued*

PETITION concerning
(Here, repeat the summary in first page)

Name of petitioner

Signature/Thumb impression

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(Subsequent Pages)

* This form may contain such variations as the circumstances of each case may require.
