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NAIROBI CITY COUNTY ASSEMBLY
THIRD ASSEMBLY - FIRST SESSION
COMMUNICATION 3 FROM THE CLERK

ADMINISTRATION OF OATH

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

As you are aware, **Hon. Members**, the Office of a Member of County Assembly is among those defined as a State office under Article 260 of the Constitution.

Hon. Members, the said Oath or Affirmation as highlighted above is indeed specifically detailed under the First Schedule to the County Governments Act, 2012.

Further, **Hon. Members**, Standing Order 4(2) (c) requires that on the first sitting of a new County Assembly, pursuant to the Governor’s notification under Standing Order 27 of the County Assembly Standing Orders, the Clerk shall administer the Oath or Affirmation of Office provided for in the First Schedule to the County Governments Act, 2012 to all Members present in the Assembly in the order set out in Standing Order 4(3).

Specifically, Standing Order No. 4 (3) provides that: -

“The Clerk shall administer the Oath or Affirmation of Office to Members of the County Assembly in alphabetical order using the following order of precedence:

- a) Members living with disabilities;*
- b) Members with the longest cumulative period of service in the County Assembly;*
- c) Members with the longest cumulative period of service in any local authority existing prior to the final announcement of all the results of County Assembly as contemplated under section 2 of the Sixth Schedule to the Constitution*
- d) All Members.”*

Further, Standing Order 4(5) further provides that:-

“When the Clerk is administering the Oath or Affirmation of Office to Members and before the Clerk has administered the Oath or Affirmation of Office to the Speaker, any question

arising in the County Assembly shall be determined by the Clerk who shall, during that period, exercise the powers of the Speaker."

Hon. Members, I wish to inform that unless a person elected to this Assembly takes and subscribes to the oath prescribed by the First Schedule to the County Governments Act, 2012, he or she shall not assume or perform any functions associated with the office of a Member of the County Assembly including the election of the Speaker and Deputy Speaker for the purposes of today's sitting.

Accordingly, **Hon. Members**, in order to comply with the provisions of the Constitution and the County Governments Act, 2012, as well as our own Standing Orders, the first substantive business of a new County Assembly is the swearing in of Members of County Assembly.

Hon. Members, for the convenience of the County Assembly, we will administer the Oath beginning with Members with disabilities who, for any reason or the other, may not be able to approach the Chair, and thereafter proceed with the list which has been distributed to members as annexure to the Order Paper.

I wish to remind Members that this is a sitting of the County Assembly and, therefore, Members are expected to be orderly in their conduct and follow the rules of procedure as per our Standing Orders Established precedent, customs, procedures and traditions of the Assembly.

Hon. Members, the swearing-in shall proceed pursuant to the provisions of Standing Order No. 4 (3), as earlier highlighted. The Clerks-at-the-Table, shall call the names of Members for purposes of swearing - in in the order outlined.

The Member so called shall proceed to the lectern (marked as station 1 on the diagram annexed to today's paper) to take and ascribe to the oath or Affirmation.

Hon. Members, once sworn in, a Member shall then proceed to Station 2 (located directly in front of the dispatch box) for signing of Oath Book, Oath Certificate and the Integrity Code, after which he/she shall resume his/her seat.

Hon. Members, having laid out the procedure to be followed in this exercise, I now proceed to swear in Members with disability.

EDWARD GICHANA
CLERK, NAIROBI CITY COUNTY ASSEMBLY