



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 14, 2024 AT 2.30 PM

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM OF THE SENATE**

The Speaker, having counted the Honourable Senators present at the commencement of the sitting and confirming that there was no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

And there being a Quorum before the expiry of the ten minutes;

The Speaker invited the Clerk to call the Orders of the day.

4. **MESSAGE FROM HIS EXCELLENCY THE PRESIDENT ON THE NOMINATION OF MR. GERALD NYAOMA ARITA FOR APPOINTMENT TO THE POSITION OF DEPUTY GOVERNOR OF THE CENTRAL BANK OF KENYA**

The Temporary Speaker (Sen. Wakili Hillary Sigei, MP) conveyed the following Message from His Excellency the President: -

“Honourable Senators,

I wish to report to the Senate that pursuant to Standing Order 47, I received a Message from His Excellency Hon. William Ruto, PhD, CGH, President of the Republic of Kenya and Commander-in-Chief of the Kenya Defence Forces on the nomination of Mr. Gerald Nyaoma Arita for appointment to the position of Deputy Governor of the Central Bank of Kenya.

The Message was transmitted to the Senate vide a letter reference EOP/CAB.26/4A VOL.V/13 dated 11th November, 2024, by the Chief of Staff

and Head of the Public Service, Mr. Felix K. Koskei, EGH. Pursuant to Standing Order 47(1) of the Senate, I shall now report the Message to the Senate.

“You are most graciously notified that His Excellency the President has in exercise of the prerogative vested in the Head of State and Government caused the nomination of the candidate the position of Deputy Governor of the Central Bank of Kenya.

In that regard and pursuant to the Section 13B of the Central Bank of Kenya Act (Cp. 491 of the Laws of Kenya) we submit to both Houses of Parliament the Presidential Nomination of Mr. Gerald Nyaoma Arita for appointment as the Deputy Governor of the Central Bank of Kenya.

To aid Parliament in its consideration and approval processes, we convey herewith the Certificate of Presidential Nomination, No. 6 of 2024, alongside the Nominees’ Curriculum Vitae and Testimonials, together and the report of the Public Service Commission on the recruitment of the Nominee.

In recognition of the pivotal role played by the Central Bank of Kenya in steering the nation’s monetary policy and ensuring economic stability, we humbly request that the nomination be considered with the utmost priority.”

Honourable Senators,

Section 13B(1) of the Central Bank of Kenya Act provides that - *“there shall be two Deputy Governors who shall be appointed by the President through a transparent and competitive process and with the approval of Parliament.”* In relation to this, Section 3 of the Public Appointments (Parliamentary Approval) Act states that *“an appointment under the Constitution or any other law for which the approval of Parliament is required shall not be made unless the appointment is approved or deemed to have been approved by Parliament in accordance with this Act.”*

As such therefore, Section 8 of the same Act provides that –

- (1) “unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within fourteen days from the date on which the notification of nomination was given in accordance with section 5.*
- (2) At the conclusion of an approval hearing, the Committee shall prepare its report on the suitability of the candidate to be appointed to the office to which the candidate has been nominated, and shall include in the report, such recommendations as the Committee may consider necessary.”*

Honourable Senators,

The period on the matter that is now before Parliament, starts running upon the Speakers of the Houses of Parliament committing the name of the nominee to the relevant Committees in the Senate and in the National Assembly respectively.

Standing Order 77 (1) of the Senate Standing Orders provides that upon receipt of a notification of nomination for appointment to a public office under the Constitution or any other legislation, which requires approval by the Senate, the nomination shall stand committed to the relevant Standing Committee for consideration.

This being the case, the Message from His Excellency the President, together with the curriculum vitae of the nominee, stands committed to the Standing Committee on Finance and Budget for approval hearing. The Committee will hold the approval hearing jointly with the Departmental Committee on Finance, Planning and Trade of the National Assembly, in accordance with the provisions of the Central Bank of Kenya Act, the Public Appointment (Parliamentary Approval) Act and the Standing Orders of the Houses of the Parliament.

Part XXVI (Joint Committees of Parliament) of the Senate Standing Orders and the corresponding part of the National Assembly Standing Orders shall apply during the approval hearing. I direct the Committees to expeditiously consider this matter and to table a report thereon, considering the remaining time before conclusion of the Third Session.

I thank you.”

5. **PAPER LAID**

The following Paper was laid on the Table of the Senate:

Statement on the business of the Senate for the week commencing Tuesday, 19th November, 2024.

(The Senate Majority Leader)

6. **QUESTIONS & STATEMENTS**

a) Requests for Statements pursuant to Standing Order 53 (1)

- i) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a Statement from the Standing Committee on Labour and Social Welfare concerning the status of remittances to the Bungoma County Government employees' pension scheme.

- ii) Request for a Statement by Nominated Senator (Sen. Miraj Abdillahi, MP) from the Standing Committee on National Security, Defence and Foreign Relations regarding the plight of stateless children born to Kenyan parents abroad was **dropped** in the absence of the Senator.
- iii) Request for a Statement by the Senator for Meru County (Sen. Kathuri Murungi, MP) from the Standing Committee on Health regarding the delayed transition of staff of the National Health Insurance Fund (NHIF) to the Social Health Authority (SHA) was **dropped** in the absence of the Senator.
- iv) Request for a Statement by Nominated Senator (Sen. Joyce Korir, MP) from the Standing Committee on Land, Environment and Natural Resources regarding the implementation of the National Tree Planting Initiative in Kenya was **dropped** in the absence of the Senator.
- v) Request for a Statement by the Senator for Isiolo County (Sen. Fatuma Dullo, MP) from the Standing Committee on National Security, Defence and Foreign Relations regarding the recent surge in attacks and killings of herders and livestock theft in Isiolo County was **dropped** in the absence of the Senator.

b) Statement Pursuant to Standing Order 56 (1) (a)

The Chairperson, Standing Committee on Education issued a Statement concerning the implementation status of the resolution of the Senate on the Current State of the Nation.

In the Statement, the Chairperson addressed the issues of the Junior Secondary School (JSS) education, the 'New' University Funding model and the Competence-Based Curriculum (CBC). He highlighted that the 'New' University Funding Model implemented in 2023 based on the recommendations of the Presidential Working Party on Education Reforms, aimed to address challenges in public universities and technical institutions due to high enrollment and limited funding. The model allocates scholarships and loans based on students' financial needs as determined by a Means Testing Tool, separating funding from university placements.

The Chairperson further stated that the Committee had identified several key challenges after meeting with stakeholders like the Universities Fund, Higher Education Loans Board and the Kenya Universities and Colleges Central Placement Service. The challenges included; disparities in resource allocation due to the Means Testing Instrument, funding discrepancies between university and Technical Vocational Educational and Training (TVET) students, financial uncertainties within universities and data

protection concerns, as students' data were being used without formal consent or data-sharing agreements.

He also reported that the Committee had consulted with non-state actors to gain further insight into the 'New' University Funding Model and CBC. The Chairperson concluded by stating that a retreat had been scheduled during the long recess with stakeholders to discuss the implementation of Junior Secondary School (JSS) education, the 'New' University Funding Model and the acceptability of Competence Based Curriculum (CBC).

c) Statement pursuant to Standing Order 57(1)

The Senate Majority Leader issued a Statement on the business of the Senate for the week commencing Tuesday, 19th November, 2024.

7. **THE ELECTIONS (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 29 OF 2024)**

Order for Second Reading read;

Motion made and Question Proposed;

THAT, the Elections (Amendment) (No. 2) Bill (Senate Bills No. 29 of 2024) be now read a Second Time.

(The Senate Majority Leader – 13.11.2024 - Afternoon Sitting)

Debate interrupted on Wednesday, 13th November, 2024 (Afternoon Sitting) resumed;

And there being no Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested the Speaker to defer putting of the Question to a later date;

And the Speaker acceding to the request, deferred the putting of the Question to a later date.

8. **THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILLS NO. 36 OF 2024)**

Order for Second Reading read;

Motion made and Question Proposed;

THAT, the Public Fundraising Appeals Bill (Senate Bills No. 36 of 2024) be now read a Second Time.

(The Senate Majority Leader)

Debate arising;

The Temporary Speaker (Sen. Wakili Hillary Sigei, MP), for the convenience of the Senate, pursuant to Standing Order 34(2A), adjourned the Senate at thirty-four minutes past Six O'clock without Question put.

9. **SENATE ROSE** - at thirty-four minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, November 19, 2024 at 2.30 p.m.*

--x--