



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fourth Session

Wednesday, 20th August, 2025 at
2.30 p.m. - Special Sitting

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 20th August, 2025

Special Sitting

*(Convened via Kenya Gazette Notice
No.11450 of 18th August, 2025)*

*The House met at the Senate Chamber,
Parliament Buildings at 2.40 p.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

(The Clerk-at-the-Table consulted with the Speaker)

Hon. Senators, we have quorum.

(Sen. Tabitha Keroche stood in her place)

Senator for Nakuru County, kindly take your seat.

(Sen. Tabitha Keroche sat in her place)

Clerk, you may proceed to call the first Order.

ADMINISTRATION OF OATH

*(The Senator-Elect under Article 98(1) (b) of the Constitution entered the
Chamber escorted by Sen. Chimera and Sen. Veronica Maina)*

Sen. Chimera: Mr. Speaker, Sir, it is my pleasure and privilege to introduce to you and to the Senate, the nominated Senator Consolata Nabwire Wakwabubi of the

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

United Democratic Alliance (UDA) party, elected pursuant to Article 98(1)(b) of the Constitution.

(Applause)

The Speaker (Hon. Kingi): Senator, would you wish to swear or to affirm?

Sen. Consolata Nabwire Wakwabubi: To swear, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Very well. You may now proceed to take the podium.

The Oath of Allegiance was administered to the following Senator-

Consolata Nabwire Wakwabubi.

The Speaker (Hon. Kingi): Congratulations hon. Senator. Welcome to the Senate.

Sen. Consolata Nabwire Wakwabubi: Thank you, Mr. Speaker, Sir.

(Applause)

COMMUNICATIONS FROM THE CHAIR

WELCOME TO SEN. CONSOLATA NABWIRE WAKWABUBI AND OTHER GUESTS

The Speaker (Hon. Kingi): Hon. Senators, I have the following Communication to make.

I would like to acknowledge the presence in the Speaker's Gallery and the Public Gallery this afternoon, of a delegation consisting of family and friends of Sen. Consolata Nabwire Wakwabubi, MP. The delegation is visiting the Senate to witness the swearing-in of Sen. Wakwabubi, MP, which has just been concluded.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

(Applause)

I will now call upon the Senate Majority Leader to extend a warm welcome to the delegation. Thereafter, I will allow hon. Senators, in under one minute, to pass a word of congratulations and to welcome the newly sworn-in Member of this House.

Proceed, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I join you, on behalf of my colleagues, to welcome this delegation that is accompanying our latest colleague, Sen. Consolata Wakwabubi.

It is a great privilege to serve this country as a Senator. I know that as our colleague begins her legislative journey this afternoon, she has a steep learning curve.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

She is joining while we have made tremendous progress in this House to ensure that we set up this institution to the levels that the Kenyan people expected of us. I congratulate her together with all the members of her delegation who have come this afternoon to witness her swearing in. I wish her well in her journey as she learns and interacts with colleagues and gets to serve the people of Kenya as a nominated Senator.

Thank you.

The Speaker (Hon. Kingi): Hon. Senators, the floor is open for purposes of congratulating the newly sworn-in Member.

The Senate Minority Leader, you may proceed.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Kwanza ningependa kumpa kongole Seneta wetu, Bi. Consolata Nabwire. Karibu sana katika Bunge la Seneti na hongera kwa kuteuliwa kwako kuingia hapa kuwa nasi. Hili ni Bunge ambalo najua utapata mafunzo ya kutosha na kwa muda mfupi utakuwa kama sisi. Kwa hivyo, hakuna wasiwasi kabisa.

Ni jambo muhimu kuona kwamba hawa wote walioko hapa ni watu wenye uzoovu wa kutosha na utajifundisha mengi kwa muda usio mrefu. Karibu sana ndani ya Bunge la Seneti.

The Speaker (Hon. Kingi): Proceed, Sen. Boni.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. It gives me a lot of pleasure to welcome my sister, Consolata Nabwire, to this House. I call her sister for obvious reasons. More importantly, it is a crowning moment for the effort that the United Democratic Alliance (UDA) has gone through in appreciating the contribution of one of the women who made a huge difference during our campaigns to ensure that the President forms Government.

I congratulate her and hope that she will be a success. The only comment I would like to direct to her is that her entry into the House, besides being deserved as a nomination, arose from a decision on her predecessor. It called into question the issue of integrity when you are a member of this House. Coming at this time, when the integrity of Parliament is under the microscope, I hope everybody will realize that institutions of Kenya are greater than any Kenyan, despite the office of whoever that Kenyan is.

The Speaker (Hon. Kingi): Proceed, Senator for Nairobi City County.

Sen. Sifuna: Thank you, Mr. Speaker, Sir. Let me join you and my colleagues who have spoken before me, to welcome my sister from Bungoma. The joke is told that Bungoma has two Senators. Now---

(Technical hitch)

Sen. Wakwabubi, one of the things you will learn very fast is that the Senate struggles with speaking equipment here.

(Laughter)

Here is the point I was making since I have not seen the Senator from Bungoma in the House. The joke is told that there are two Senators from Bungoma in the House.

Now, there will be a full complement of three, including my sister Wakwabubi, who has just joined us today.

I welcome you to the capital. Here, nobody can touch you for as long as you can say Sifuna.

(Laughter)

If anybody tries to do anything, you might not be from my own political party, but I consider you a sister. I welcome you to this House. I hope that we will do great things for the people of Kenya. Do not listen to the hecklers.

I hope that you will be able deliver for the women in this country who you have come to represent here. I wish you all the best in this journey for the two years that are left.

Thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Tabitha Keroche.

Sen. Tabitha Keroche: Mr. Speaker, Sir, thank you for also giving me this opportunity to welcome my sister, Sen. Consolata. Sen. Consolata, you are most welcome to this good House. You will learn a lot. Count yourself one of the luckiest because you are among the 67 Members who have been brought into this House to represent the whole of Kenya. I thank the UDA party for agreeing that, that position was meant for a lady because it is a lady, Sen. Gloria, who left us. Thank you, UDA, for giving us that honour as women. Sen. Consolata, feel at home. As was said by the Senate Majority Leader, we are here to hold your hand to ensure that you feel at home and welcomed.

Thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Kavindu.

Sen. Kavindu Muthama: Mr. Speaker, Sir, thank you for giving me this opportunity to welcome our sister, Consolata, to this House. *Karibu sana*. Let us do the work and serve Kenyans with all dedication.

The Speaker (Hon. Kingi): Proceed, Sen. Mungatana.

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir. I welcome hon. Sen. Consolata to the House. Amongst the books that you received from the Speaker---

The Speaker (Hon. Kingi): Can you power the microphone for hon. Sen. Mungatana? Is it on?

Sen. Mungatana, MGH: Yes.

The Speaker (Hon. Kingi): You may proceed.

Sen. Mungatana, MGH: Mr. Speaker, Sir, I was saying one of the books that Sen. Consolata received from you is called The Compendium of the Rulings that are delivered on the floor of this House. This House - unlike another one that I will not name - is a House of learning. I invite her to be familiar with the rulings that have been given and open her mind, so that we can help this Republic move one step forward.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Osotsi, proceed.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. I also take this opportunity to welcome our sister, Consolata, to this House and encourage her to work hard. There are a lot of

things that she needs to learn from the rest of us since she has come in the middle of the term.

I am happy that the number of Senators from our western region has now gone up by five. I know Sen. Mumma and Sen. Sifuna also come from that area, but they have divided loyalty between Nairobi and Kisumu. However, Sen. Consolata is a full-time resident of Bungoma County. Together with the other four Senators whom we have been working very closely with, we will also work very closely with you---

The Speaker (Hon. Kingi): Sen. Kinyua, proceed.

Sen. Kinyua: Asante, Bw. Spika, kwa kunipa fursa hii kumkaribisha Sen. Consolata. Pia ningependa kuwakaribisha jamaa na marafiki ambao waliandamana na yeye ili kumpa heko na kongole. Sisi kama Seneti, tunakukaribisha.

Mahali ulipo keti, kuna Seneta wa Bungoma ambaye ni mchapa kazi. Sisi tuna imani kwamba umekuja kwa sababu chama kimekuchagua wewe. Kwa hivyo, hatuna shaka rohoni mwetu kwamba utaifanya kazi ambayo ulichaguliwa kuja kufanya hapa.

Ningependa kukupongeza na kukuambia karibu. Ijapokuwa umekuja wakati muhula umeenda kidogo, hatuna shaka rohoni mwetu kwamba utafanya jambo ambalo unatakiwa kufanya; kuongea kuhusu Wakenya na kutetea maslahi yao.

Asante, Bw. Spika.

Sen. Onyonka: Thank you, Mr. Speaker, Sir, for giving me this opportunity. My new Senator, you will have to decide what you are going to become in this House. The party will expect you to take party position on everything, but at some point, tell your party the truth. Unfortunately, I lost a Member who was from my delegation, Madam Orwoba. I give her all the respect. I was disappointed that she left, but we let the law take its course.

The only last point I would like to make to anybody who wants to come to this House is that to those whom much is given, much is expected.

Thank you, Mr. Speaker, Sir.

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir. Let me also join my colleagues in welcoming, Sen. Consolata, to this House. I would like to tell her something that this not very different from what Sen. Onyonka has said, that she should know why her predecessor was removed and that she should be very guarded in what she says in here and out. This is because sometimes, independence is only on paper, especially when you belong to the party that has nominated you.

Our senior sister, we wish you well and want to see you to the end of this term. If you are not careful with your mouth, the UDA will remove you.

(Applause)

The other thing that I would like to tell you and each one of us is that Sen. Consolata's coming is a lesson to all of us. Once you are gone, your place is taken almost immediately.

The Speaker (Hon. Kingi): Sen. Wambua, proceed.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I want to take this opportunity to welcome my cousin, Sen. Consolata to the Senate. When Sen. (Dr.) Khalwale and Sen. Osotsi stood here, they were very happy that their community is gaining numbers, while I

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

am seated next to the Senator for Nyamira County who is mourning that they have lost a number. I have tried to persuade him to catch your eye, so that he can say something. However, the state of mourning is too high; he just cannot say anything.

(Laughter)

All in all, for us---

The Speaker (Hon. Kingi): Proceed, Sen. (Dr.) Murango.

Sen. (Dr.) Murango: Asante sana, Bw. Spika. Yangu ni machache sana. Kwanza, ningependa kumwambia Sen. Consolata afuate falsafa ya “Ta-Te-Ti”, tangaza msimamo wako kama Seneta; tetea walio kuleta hapa na uwatumikie wale ambao wamefanya uletwe hapa.

Hiyo ni muhimu kwa sababu hicho kiti ambacho umeketi, kilikuwa kinakaliwa na Sen. Gloria. Kwa muda, Seneti ilijaribu kung’ang’ana naye sana ili akae hapa lakini kwa sababu riziki haivutwi kwa kamba, imemleta hapa Sen. Consolata siku ya leo. Nadhani tutampa kile ambacho anahitaji katika Seneti hii. Tulikuwa tunaongea na Sen. Mo Fire ambaye amekuwa mzuri sana na mnasihi katika hili Bunge ili ampe mwelekeo zaidi.

Asante, Bw. Spika.

Sen. Omogeni: Mr. Speaker, Sir, I want to welcome my colleague, Senator. When I was the Chairperson of the Law Society of Kenya (LSK), there is one clause that was in the harmonised draft constitution that we fought very hard to delete from the 2010 Constitution. That clause was giving a political party power to initiate expulsion of a Member that can lead to that Member losing the seat. When that clause was deleted, I thought I would not in my lifetime see a party expel a Member and that Member loses her or his seat in Parliament.

Be that as it may, we welcome you, Senator, to this House. We have also created a record that for the first time in the history of Parliament, I have seen a situation where Members---

The Speaker (Hon. Kingi): Proceed, Sen. Roba.

Sen. Ali Roba: Asante sana, Bw. Spika. Kwanza, ningependa kumshukuru Mwenyezi Mungu kwa kumpa dada yetu, Sen. Consolata, nafasi hii. Pili ninataka kushukuru muungano wa walio wengi Bungeni kwa kumteua na kumpa fursa ya kuja katika Bunge. Tunamtakia kila la kheri Inshallah.

Kama wenzake waliokuwa hapa kabla yake, tutamuunga mkono na kumshikilia ili kuhakikisha ya kwamba amekaa vizuri katika Bunge la Seneti.

Asante, Bw. Spika.

The Speaker (Hon. Kingi): We shall end it there, Hon. Senators.

I have a communication to make.

CONVENING OF SPECIAL SITTING OF THE SENATE

Hon. Senators, I welcome you to this special sitting of the Senate. This sitting has been necessitated by urgent legislative business, which requires to be dispensed with in accordance with the Constitution and statutes.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

On the request of the Senate Majority Leader *vide* letter reference No. SEN/MLS/COL(28) dated the 18th August, 2025 and with the support of the requisite number of Senators, I did appoint today, Wednesday 20th August 2025, as a day for a special sitting of the Senate. The appointment was made *vide Kenya Gazette* Notice No.11450, dated 18th August, 2025.

In the *Kenya Gazette* Notice, I indicated that the business to be transacted at the Special Sitting shall be the following—

(a) Swearing-in of Consolata Nabwire Wakwabubi, a Senator elected under Article 98 (1) (b) of the Constitution, which has just happened;

(b) The hearing of the charges on the proposed removal from office, by impeachment, of the Hon. (Dr). Eric Kipkoech Mutai, the Governor of Kericho County; and,

(c) A Motion of alteration of the Senate Calendar.

Hon. Senators, in accordance with Standing Order No.33(5) of the Senate Standing Orders, the business specified in this Notice shall be the only business before the Senate during the Special Sitting, following which the Senate shall stand adjourned until Tuesday, 9th September, 2025 at 2.30 p.m. in accordance with the Senate Calendar.

I thank you.

Next order, Clerk.

(Sen. (Dr.) Khalwale stood at the Bar)

The Speaker (Hon. Kingi): Take your seat, Sen. Boni.

(Sen. (Dr.) Khalwale took his seat)

MESSAGE FROM THE COUNTY ASSEMBLY OF KERICHO

PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF
THE GOVERNOR OF KERICHO COUNTY, HON. (DR.) ERICK
KIPKOECH MUTAI

Hon. Senators, I wish to report to the Senate that I have pursuant to Standing Order No.48(3), received a Message from the Speaker of the County Assembly of Kericho regarding a resolution of the County Assembly of Kericho, for the proposed removal from office by impeachment of Hon. (Dr.) Eric Kipkoech Mutai, the Governor of Kericho County, pursuant to Article 181(1) (a), (b) and (c) of the Constitution, as read together with Section 33 of the County Government Act and Standing Order No.70(13)(a) of the County Assembly of Kericho.

The Message, which was conveyed to the Speaker of the Senate via letter Reference KCA/SP/3, Vol.1(39) dated Friday, 15th August, 2025, signed by the Speaker of the County Assembly of Kericho and received in my office on Monday, 18th August, 2025, listed the following grounds of impeachment against the Governor—

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

1. Gross violation of the Constitution and other laws-**Allegation I: Misappropriation and misallocation of county finances**

The particulars of this allegation are that the Governor engaged in various acts of gross violation of Articles 10, 183 and 201 of the Constitution, Sections 102 and 109 of the Public Finance Management Act, Cap 41.2(A) and the provisions of the Kericho County Rating Act, No.5 of 2029, by doing the following-

(i) Authorising the misappropriation and misallocation of county finances through fictitious payments for goods, services and works which were never delivered or partially done, totaling to Kshs85,704,522.90. This included irregular claims such as maintenance of 15 residential houses and delivered agricultural inputs like soya beans and maize germ, and overpriced supplies, including sodas allegedly bought at Kshs500 per bottle, tissue paper at Kshs2,750 per bale and hand towels at Kshs3,600 per piece. Payments amounting to Kshs5,172,715.60 were also made to companies without supporting documents, including Mangrove Products Limited, Hildama Construction, Brissac Construction, Prospera Ventures and IBM Pro Construction. In some cases, contractors were paid twice from retention accounts for works completed more than five years ago;

(ii) Contravening procurement laws by failing to establish tender opening committees, neglecting to seek professional opinions, splitting contracts to avoid open tendering and failing to conduct market surveys. This resulted in exorbitant pricing of goods and services, which are often paid for in advance despite the county accumulating pending bills amounting to Kshs1.1 billion. The county assembly's *ad hoc* committee on alleged fictitious payments in its report tabled in August, 2024, confirmed fraudulent documentation, forged signatures and deliberate attempts to cover up theft. When these matters were exposed, the governor publicly dismissed the whistleblowers' claims;

(iii) Overseeing the misappropriation of over Kshs351 million under the National Agricultural Value Chain Development Projects. Funds intended to support farmers' cooperatives in all 30 wards were diverted, with only 19 wards benefiting and even then, many received only substandard furniture and farm inputs without delivery notes or proof of quality. Procurement under the programme was centralised and handled without transparency in contravention of donor and statutory requirements;

(iv) Presiding over irregularities under the Financing Locally-Led Climate Action Programme (FLLoCA) fund, where projects were distributed unfairly and based on nepotism. The Governor ensured that his home ward of Chemosot alone received projects worth Kshs21.7 million while several other wards received none. Further, a number of the funded projects were defective, incomplete or substandard, yet were recorded as fully complete;

(v) Launching the “*Equaliser Kazi Mtaani Initiative*” on or about 31st August, 2023 and growing county funds towards it without legislation to anchor the programme, without approval by the County Assembly or the Controller of Budget (CoB) and without public participation. A total of Kshs39 million was irregularly spent under this initiative without proper tendering, local service orders or delivery of services. The Assembly's *ad hoc* committee report, which exposed these violations, was deliberately ignored by the Governor;

(vi) Misappropriation of funds under Strategic Intervention Projects (SIPs). For example, in the case of the upgrading of Kunyak Dispensary to a health center, where the contractor was paid over Kshs8.5 million, despite no works having been undertaken, contrary to reports submitted to the assembly;

(vii) Coercing county executive committee members and chief officers to divert funds from the departmental allocations for his personal use, channeled through his assistant. The Governor has presided over glaring procurement irregularities, including irregular tender awards, inflated contracts and fraudulent implementation of county programmes. These matters have been consistently flagged in successive Auditor-General's reports as evidence of massive theft of public funds; and,

(viii) Misusing county emergency funds to compensate victims of the Londiani accident, thereby covering up for donations that have been raised by the public, but were misappropriated by a committee constituted by the governor.

Allegation II: Misappropriation and/or abating misappropriation of public-raised funds

The particulars of this allegation are that the Governor, on various days between 4th and 9th of July, 2023, violated the provisions of Articles 10, 73 and 75 of the Constitution and Sections 29 and 39 of the Leadership and Integrity Act by doing the following-

(i) Overseeing misappropriation of funds raised for the victims of the horrendous Londiani Junction accident tragedy, in which over Kshs9 million of public-raised funds were lost and reneging on the promise to implement the report of the County Assembly *ad hoc* committee to promise appropriation of the funds meant for the victims of the accident;

(ii) Being personally and directly complicit in the flawed award of direct tenders for service providers during the fundraiser and requirements of the victims of the accident;

(iii) Failing to ensure that decision-making in the executive office of the county Governor is not influenced by corruption, nepotism and other callous and improper motives, hence failure to exercise objectivity and impartiality, thus violating Article 73(ii)(b) of the Constitution of Kenya.

2. Abuse of Office

Allegation I: Illegal appointments, unlawful dismissal and transfers and usurpation of constitutional and statutory functions of county public service

The particulars of this allegation are that the governor has variously engaged in gross misconduct and gross violations of Articles 10, 73, 75, 232, 235 and 236 of the Constitution, Section 17 of the Public Officer Ethics Act, Section 55, 59, 59A, 60, 62, 63, 64 and 65 of the County Governments Act, Section 4 of the Public Appointments (County Assemblies Approval) Act and variously abused his office by doing the following-

(i) Engaging in skewed and nepotistic appointments of county employees. The Governor hired his brother as a revenue clerk and confirmed his aide's wife as a nurse ahead of other long-serving contract nurses who were denied similar opportunities. These appointments were not only irregular, but also discriminatory, undermining the values of fairness, equity and integrity in public service.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

(ii) Illegally appointing a County Attorney while a substantive office holder was still in place. This irregular appointment was challenged before the Employment and Labour Relations Court (ELRC), which declared it unlawful, unprocedural and unconstitutional and further ordered the Governor personally to pay costs of Kshs 2 million.

(iii) Politicising public recruitment by causing the advertisement of vacancies for doctors, nurses and Early Childhood Development Education (ECDE) teachers despite knowing that the county had no financial capacity to hire such staff. The process was later abandoned.

(iv) Irregularly deploying health staff without any consultation with, or authority of the County Public Service Board (CPSB), creating confusion and disruption in the delivery of health services.

(v) Arbitrarily dismissing senior county officers, including 10 County Executive Committee Members (CECMs), six Chief Officers, two Chiefs of Staff and other senior officers, without just cause or due process.

Allegation II: Subversion, discrediting and impeding of the oversight role of the County Assembly.

The particulars of this allegation are that the Governor on 3rd September, 2024, engaged in gross misconduct and grossly violated the provisions of Articles 10, 73, 75, 174 and 185(3) of the Constitution and abused his office by writing to the Speaker purporting to direct the Speaker on *inter alia*, the timelines the Speaker should give the chief officers who were summoned by the Assembly for questioning in exercise of the Assembly's oversight mandate

(3) Gross Misconduct

The particulars of this allegation are that the Governor has repeatedly engaged in gross misconduct and gross violation of the provisions of Articles 10, 73 and 75 of the Constitution and Sections 29 and 34 of the Leadership and Integrity Act, by doing the following-

(i) Leading an illegal land invasion and acting in contempt of court immediately after assuming office. The Governor led a mob to invade private property belonging to Mr. Joseah Kiplangat Kogo in Kericho Town, tearing down its fence and designating it as a county dumpsite. This was done without the consent of the owner, without approval of the National Environment Management Authority (NEMA), without gazettelement by the County and in defiance of a subsisting court order. These actions amounted to contempt of court, blatant disregard for the rule of law and exposed the county to damages and costs.

(ii) Engaging in persistent bullying, intimidation and harassment of county staff, thereby creating a toxic work environment. The Governor coerced officers, dismissed them arbitrarily without due process and denied them the right to fair administrative action and hearing as guaranteed under Articles 41, 47 and 50 of the Constitution. Officers who did not conform to his directives were targeted, resulting in fear, despondency and dysfunction within the CPSB.

(iii) Persistently using divisive, abusive and unbecoming language in the conduct of his duties, contrary to the Leadership and Integrity Act. Such conduct has brought dishonour and disrepute to the Office of Governor and undermined the values of Chapter

Six of the Constitution, which demands that State officers uphold integrity, dignity, respect for the people and honour in public service.

Now, Hon. Senators, annexed to the letter conveying the decision of the County Assembly were the following documents-

(i) Copy of approved Notice of Motion dated 6th August, 2025, laid on the Table of the Assembly on Wednesday, 6th August, 2025, Afternoon Sitting.

(ii) Certified copy of a list of Members with signatures in support of a Motion for the removal of the Kericho County Governor by Impeachment dated 6th August, 2025.

(iii) Order Papers for the Assembly Sitzings of Wednesday, 6th August, 2025, Afternoon Sitting; and Friday, 15th August, 2025, Special Sitting.

(iv) Copy of the Gazette Notice for the Special Sitting of Friday, 15th August, 2025.

(v) Certified Hansard Reports for the Assembly Sitzings of Wednesday, 6th August, 2025, Afternoon Sitting; and Friday, 15th August, 2025, Special sitting.

(vi) Copies of letters dated 6th and 13th August, 2025, REF No: KCA/SP/3 Vol 1 (37) and KCA/SP/3 Vol 1 (38) respectively, inviting the Governor of Kericho to respond to the tabled impeachment Motion.

(vii) Copy of Affidavit of Service by Ms. Sharon Chepng'etich Mibey serving His Excellency the Governor of Kericho County, with the invitation letter and copy of laid Notice of impeachment Motion together with its evidence and another letter for supplementary evidence and memorandum on public participation and Gazette notice on behalf of the Speaker, County Assembly of Kericho.

(viii) Certified copy of Electronic voting extracts: 33 votes on the Motion for the impeachment of His Excellency, the Governor of Kericho County held during the Assembly Sitting of Friday, 15th August, 2025.

(ix) Documents tabled during the debate on the Motion for removal of the Governor of Kericho County by impeachment:

(a) Payment vouchers for Lands, Housing and Physical Planning Department made to-

- (i) Denbi Holdings Limited;
- (ii) Debral Ventures Limited; and,
- (iii) Crane Bee Group.

(b) Payment vouchers for the Agriculture, Livestock and Cooperative Management Department made to-

- (i) Derju Enterprise Limited;
- (ii) Lewry Enterprise Limited;
- (iii) Mabsa General Supplies Limited;
- (iv) Aksak Techdogies Limited;
- (v) Pkendes Company; and,
- (vi) Joylee Group Limited.

(c) A Procurement Plan and Memorandum for supply and delivery of assorted office stationeries.

(d) Payment vouchers for Public Works, Roads and Transport Department made to -

- (i) Simron Construction Company Limited;

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

- (ii) Enreal Supplies Limited; and,
 - (iii) Tokiila General Supplies.
- (e) Payment vouchers for Finance and Economic Planning Department made to-
 - (i) Alucraft Voucher;
 - (ii) Roreki Limited;
 - (iii) Darhk Limited;
 - (iv) Finch Focus Limited;
 - (v) Jomarcx Holding Limited; and,
 - (vi) Benlock Ventures Limited.
- (f) Payment vouchers for Health Services Department made to-
 - (i) Afroscape Limited; and,
 - (ii) Slick Solutions Limited.
- (g) Payment vouchers for Water, Energy, Environment, Forestry and Natural Resources made to-
 - (i) Chebema Construction Supply; and,
 - (ii) Roley Ventures Limited.
- (h) Report on Pending Bills by committee on Ad hoc.
 - (i) Report by the Committee on Water and Environment on FLLoCA projects.
 - (j) NAVCDP Report by the Committee on Agriculture, Livestock and Fisheries.
 - (k) *Ad hoc* Committee report on Kazi Mtaani.
 - (l) Report by Department of Finance and Economic Planning, Strategic Intervention Phase and two photographs.
- (m) Four affidavits.
 - (n) One judgement and one ruling.
 - (o) *Ad hoc* Committee Report on Londiani Incident.
- (p) Auditor-General Reports.
 - (q) Correspondence between the Governor and the Speaker dated 20th August, 2024 and 3rd September, 2024
- (r) Advertisement for vacancies by the County Public Service Board-
 - (i) An internal memo on Redeployment of staff under the Health Service Department;
 - (ii) A Facebook extract; and,
 - (iii) Letters of termination.
 - (s) *Ad hoc* Committee report on alleged fictitious payment.
 - (t) Voucher for Mengro Products Limited, Retention.
 - (u) Other companies that were paid retention money.
 - (v) Evidence of Public Participation-
 - (i) An extract of the *Standard* Newspaper Advertisement for Public Participation on Notice of Motion for the removal of Dr. Erick Kipkoech Mutai, Governor of the County Government of Kericho, by Impeachment.
 - (ii) A scanned memorandum and submissions received in response to the notice of Motion for removal of Dr. Erick Mutai as Governor of Kericho County.
 - (iii) A Public Participation register for the collection of Memorandum forms.
 - (iv) A Report on public participation.
 - (v) Governor's response; Volume 1 and 2.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

(x) Kericho County Standing Orders.

(y) A flash disk containing video evidence and three transcripts.

Hon. Senators, in terms of the way forward, following the reading of the charges, again, as the Governor, Standing Order No.80(1)(b) of the Senate as read together with Section 33(3)(b) of the County Governments Act, give the Senate two options on how to proceed with this matter.

The Senate may—

(a) by resolution, appoint a special committee comprising 11 of its Members to investigate the matter, or

(b) investigate the matter in plenary.

The Senate Majority Leader will, at the appointed time during this sitting, give notice of Motion for the establishment of a Special Committee. Should this Motion be carried, the Special Committee will be required under Section 33(4) of the County Governments Act and Standing Order No. (80)(2) of the Senate Standing Orders, to investigate the matter and report to the Senate on whether it finds the particulars of allegations, against the Governor, to have been substantiated.

In the event that the Motion for the establishment of a Special Committee does not pass, the fallback position is that the Senate shall proceed to investigate and consider the matter in Plenary. In the event, I will appoint the dates on which the Senate will sit in Plenary to hear and determine the charges, against the Governor.

Hon. Senators, I wish to emphasize that when we come to the debate on the Motion for the establishment of the Special Committee, debate on the Motion shall be limited to the substance of the Motion, principally whether to establish the Special Committee or not. It shall not be a debate on the substance of the impeachment or its merits, propriety, prudence or even constitutionality or legality of the process that preceded the submission of this matter to the Senate. It is, therefore, not permissible to deviate to any issues other than that Motion before the Senate.

In the meantime, and during the pendency of this impeachment process in the Senate, I wish to caution Hon. Senators to refrain from publicly commenting on the merits or demerits of the impeachment Motion before the Senate. Doing so would amount to anticipation of debate, which is an infringement of Standing Order No.99 of the Senate Standing Orders.

Accordingly, it shall be out of order within the meaning of Standing Order No.122, for any Senator to make comments, whether written or spoken, relating to the conduct of the Governor or the impeachment process outside the confines of the impeachment proceedings, as such comments may prejudice the just outcome of this process.

Hon. Senators, during this 13th Parliament, the Senate has dealt with eight impeachment proceedings, two of which were considered by the special committees and six by the Senate sitting in plenary, including one involving a deputy president.

Notably, this will be the second time the Senate will be considering proceedings against the said governor. It is important that we draw on the best practices established in previous proceedings as we deliberate on this particular matter. The Senate will be sitting as a *quasi-judicial* body and conduct investigations into the alleged violation of the Constitution and the law and thereafter make its determination on the matter.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Let me remind you that the impeachment hearing is not just a procedural formality, but a critical process that plays a crucial role in upholding the principles of democracy and good governance. This hearing is one of the Senate's most vital oversight functions and key responsibilities.

I conclude by urging all Hon. Senators to exercise the highest level of responsibility on this particular matter.

I thank you.

Next Order.

NOTICES OF MOTIONS

ALTERATION OF THE SENATE CALENDAR FOR THE FOURTH SESSION

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I rise to give notice of the following Motion-

THAT, notwithstanding the resolution of the Senate made on 19th February, 2025 (approval of the Senate Calendar), pursuant to Standing Order No.32(4), the Senate resolves to extend the recess so as to resume Regular Sitzings for Part V of the Fourth Session on Tuesday, 23rd September, 2025, and that the Senate Calendar (Regular Sessions) for the Fourth Session, 2025, be altered accordingly.

Can I do the other motion, Speaker?

The Speaker (Hon. Kingi): Yes, proceed to give notice to the other Motion.

ESTABLISHMENT OF A SPECIAL COMMITTEE TO INVESTIGATE THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE GOVERNOR OF KERICHO COUNTY, HON. (DR.) ERIC KIPKOECH MUTAI

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, this is notice of the second Motion, which is the establishment of a Special Committee to investigate the proposed removal from office, by impeachment, of Hon. Eric Kipkoech Mutai, the Governor of Kericho County-

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Friday, 15th August, 2025 the County Assembly of Kericho approved a Motion for the removal from office, by impeachment, of Hon. Eric Mutai, Governor of Kericho County;

(Loud consultations)

The Speaker (Hon. Kingi): Order, Hon. Senators, kindly, hear the Majority Leader in silence.

Proceed, Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot):

AND FURTHER, WHEREAS by letter Ref. KCA/SP/3 Vol.I (39), dated Friday, 15th August, 2025, received in the Office of the Speaker of the Senate on

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Monday, 18th August, 2025, the Speaker of the County Assembly of Kericho informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly;

AND WHEREAS, pursuant to Section 33(3)(b) of the County Governments Act and Standing Order 80(1)(b)(i) of the Senate, the Senate by resolution, may appoint a Special Committee comprising eleven of its Members to investigate the matter;

NOW THEREFORE, pursuant to Section 33(3)(b) of the County Governments Act and Standing Order 80(1)(b)(i), the Senate resolves to proceed on this matter by way of establishment of a Special Committee to investigate the proposed removal from office, by impeachment, of Hon. Eric Mutai, Governor of Kericho County.

The Speaker (Hon. Kingi): Next Order.

MOTION

ALTERATION OF THE SENATE CALENDAR FOR THE FOURTH SESSION

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to move- THAT, notwithstanding the resolution of the Senate made on 19th February, 2025 (approval of the Senate Calendar), pursuant to Standing Order 32(4) the Senate resolves to extend the recess so as to resume Regular Sitzings for Part V of the Fourth Session on Tuesday, 23rd September, 2025, and that the Senate Calendar (Regular Sessions) for the Fourth Session, 2025, be altered accordingly.

Mr. Speaker, Sir, as you are aware, we are supposed to be on recess until 7th September, but because of the special matter that is before us, as a House, recess has been interrupted. We are here today and depending on how the House chooses to treat the next Motion, which I shall be moving, we are likely to be seated again next week to consider that particular matter.

Having done that, then it passes by way of common logic that the work which committees intended to carry out in these two weeks will actually be greatly interfered with. Many people interpret that recess is a time to rest only, but recess is a time for work as well. There are committees that have scheduled public participations, Bills that they wanted to consider and people wanted to visit with their constituents.

Therefore, in light of the fact that there has been a two-week interruption, that is this week and next week, because you never know, we have actually provided for the three days in the request that we made to you because it has happened previously where in consideration of impeachment hearings, we have sat up to as late as 3.00 a.m. Therefore, just out of the abundance of caution, we normally request for three days.

That being the case, it means that the whole of next week, again, this House will be sitting. Therefore, we sat at the SBC this morning, deliberated and felt that in the greater interest of the institution and the work that was to be carried out by Members in these two weeks of recess, to further extend our recess by a further two weeks. That is the

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

basis of this Motion. It is a fairly straightforward request. I want to ask the Senate Minority Leader, Sen. Madzayo, to second and then we can proceed.

Thank you.

The Senate Minority Leader (Sen. Madzayo): I second.

(Question proposed)

The Speaker (Hon. Kingi): The Floor is open for debate. With your concurrence, hon. Senators, I will proceed to put the question.

(Question put and agreed to)

Next Order.

The Senate Majority leader, proceed.

MOTION

ESTABLISHMENT OF A SPECIAL COMMITTEE TO INVESTIGATE THE
PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE GOVERNOR
OF KERICHO COUNTY, HON. (DR.) ERIC KIPKOECH MUTAI

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to move the following Motion-

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Friday, 15th August, 2025, the County Assembly of Kericho approved a Motion for the removal from office, by impeachment, of Hon. Eric Mutai, Governor of Kericho County;

AND FURTHER, WHEREAS by letter Ref. KCA/SP/3 Vol. I(39), dated Friday, 15th August, 2025, received in the Office of the Speaker of the Senate on Monday, 18th August, 2025, the Speaker of the County Assembly of Kericho informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate documents in evidence of the proceedings of the Assembly;

AND WHEREAS, pursuant to Section 33(3)(b) of the County Governments Act and Standing Order 80(1)(b)(i) of the Senate, the Senate by resolution, may appoint a Special Committee comprising eleven of its Members to investigate the matter;

NOW THEREFORE, pursuant to Section 33(3)(b) of the County Governments Act and Standing Order 80(1)(b)(i), the Senate resolves to proceed on this matter by way of establishment of a Special Committee to investigate the proposed removal from office, by impeachment, of Hon. Eric Mutai, Governor of Kericho County.

Mr. Speaker, Sir, this is another procedure that Members are accustomed to. Every time we have an impeachment hearing, the House must make a decision whether to

investigate by way of a special select committee or by the plenary on the matter that is before us.

Sen. (Dr.) Khalwale: Declare your interest on this matter!

The Senate Majority Leader (Sen. Cheruiyot): I can already hear what people are saying as much as I am not supposed to; including my good friend, Sen. Boni Khalwale, who is telling me that in compliance with the Conflict of Interest Bill that is now law, to declare my interest in this matter.

I have no pecuniary interest in this matter other than justice for the people of Kericho, nothing else. That is not a subject of debate at this point and the Majority Whip should know that what we are discussing at this point is whether to investigate this matter by way of committee or by plenary.

Mr. Speaker, Sir, we have pursued both ways in the past, with almost equal results. If I am not wrong and if you look at the statistics, this must be the 17th or 18th impeachment that we are considering. Almost all have been considered in equal numbers; some by way of special committee and nearly an equal number by plenary. Both routes have returned the two possible verdicts; either to confirm the charges or fail to confirm the charges in equal measure as well.

The point is that there is no process or route that is flawed. It is Members to determine which route they want to consider a certain matter. Therefore, reading the mood of the House because I have been in this House long enough and I know when people are listening and when they are not, I beg to move and request the Senate Leader of Minority, Sen. Justice (Rtd.), Steward Madzayo, to second this Motion.

The Senate Minority Leader (Sen. Madzayo): Asante Bw. Spika. Mimi nakataa.

(Applause)

Sen. Faki: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Order, hon. Senators. Sen. Faki, you can only raise a point of order when a colleague is on their feet.

What is your clarification, Deputy Speaker?

Sen. Kathuri: Thank you, Mr. Speaker, Sir, for this opportunity. The Leader of the Majority Party has moved the Motion and the Minority Leader has negated or objected to the Motion. In our Standing Orders, can we prove that there is a recourse? Maybe, I am not satisfied with his refusal to second.

(Several Senators spoke off record)

I am not talking to the Senators. I am addressing my time to the Speaker, who is the head of this House. If I was to talk to you, it would not be in this forum, I would have talked to you in other *kamukunjis*.

(Laughter)

Mr. Speaker, Sir, is it possible that at some point, we can change our Standing Orders in a way that if a seconder is not ready to second a Motion, should that Motion die there or should we initiate another motion on another day, so that those who are ready to support do it? It has happened several times.

(Loud consultations)

The Speaker (Hon. Kingi): Order, hon. Senators. Kindly conclude your intervention, the hon. Senator for Meru.

Sen. Kathuri: Is it possible to have another option to look at this Motion in a different way?

(Loud consultations)

The Speaker (Hon. Kingi): Order, hon. Senators. Senator for Meru, you have valid concerns, but those concerns are for the future. We have a situation to handle today. The Senate Majority Leader had someone to second his Motion. The proposed person was the Minority Leader who did not second the Motion. The Majority Leader did not appoint any other person. It is his Motion. Allow me to read the ruling on the effect of lack of secondment of a Motion as per our Standing Orders.

Hon. Senators, as you may have noticed, the Senate Majority Leader moved the Motion at Order No.9 on today's Order Paper, for the establishment of a Special Committee to investigate the proposed removal from office, by impeachment, of Hon. Eric Mutai, Governor of Kericho County. The Motion failed to be seconded, therefore, deemed to have been withdrawn pursuant to Standing Order No.71 of the Senate Standing Orders.

Hon. Senators, as I communicated earlier, by way of Message, on the resolution of the Kericho County Assembly made on 15th August, 2025, for the removal from office, by impeachment, of Hon. Eric Mutai, Governor of Kericho County, Section 33(3)(a) of the County Governments Act and Standing Order No.80(1)(b) of the Senate provide that the Senate may, by resolution, appoint a Special Committee comprising 11 of its Members to investigate the matter or investigate the matter in plenary.

The Motion having been withdrawn, the route of a Special Committee is abandoned. The Senate will proceed to investigate the proposed removal from office, by impeachment, of Hon. Eric Mutai, Governor of Kericho County, in plenary pursuant to Section 33(a) of the County Governments Act and Standing Order No. 80(1)(b)(ii).

Hon. Senators, at its meeting held today, Wednesday, 20th August, 2025, the Senate Business Committee (SBC) considered the provisional dates for this investigation in the event that the matter was to be investigated in plenary. In line with the schedule of activities for an impeachment hearing in plenary, I hereby give the following directions-

(a) The Clerk to issue invitation to appear to the parties on Thursday, 21st August, 2025;

(b) The parties to file their responses with the Office of the Clerk of the Senate by Monday, 25th August, 2025, by 5.00 p.m.;

(c) The Clerk to circulate documents received from the parties, including the plenary hearing programme, to all Hon. Senators by close of business on Tuesday, 26th August, 2025; and,

(d) Lastly, the Senate shall then investigate the matter in plenary on Wednesday, 27th August, 2025, Thursday, 28th August, 2025 and Friday, 29th August, 2025.

The Senate is hereby accordingly guided.

Thank you.

COMMUNICATIONS FROM THE CHAIR

VISITING OFFICIAL FROM NATIONAL ASSEMBLY OF THE REPUBLIC OF NAMIBIA AND STUDENT FROM MOI HIGH SCHOOL, KABARAK

The Speaker (Hon. Kingi): Hon. Senators, I have a further Communication to make. I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of Ms. Carol-Ann Nicolene Esterhuizen, a Director of Legal Services from the National Assembly of Namibia and Andrew Kiprop Kalugul, a student from Moi High School, Kabarak. They are in the Senate for a benchmarking and study visit respectively.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I will call upon Sen. (Dr.) Khalwale and Sen. Oketch Gicheru to extend a word of welcome.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, thank you for the honour. We all know the great history of Namibia and the people of Namibia. It is, therefore, my pleasure to welcome the young lady. I hope that she will meet her expectations here in Kenya.

Welcome and thank you, Mr. Speaker, Sir.

Sen. Oketch Gicheru: Mr. Speaker, Sir, I thank you for giving me this opportunity to also welcome the delegate from Namibia. During my high school days at the African Leadership Academy in South Africa, I got the opportunity to visit that country. We welcome her to Kenya and hope that she will learn the best from the 'upper house' and our Parliament in general.

I also wish the same to the student from Moi High School, Kabarak. This House deals with issues regarding money and resources that go to our counties and everything that touches on devolution. There is a lot to learn from this House and we welcome him to learn as much as he can from Parliament.

Thank you, Mr. Speaker, Sir, for the opportunity. I hope they will have a good time in the Senate.

ALLEGATIONS MADE AGAINST THE SENATE

The Speaker (Hon. Kingi): Now, Hon. Senators, I have another Communication to make.

Hon. Senators, the leadership of the Senate across the political divide met today, this morning, Wednesday, 20th August, 2025. During that meeting, the leadership noted

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

with grave concern the allegations of bribery and extortion made against the institution of Parliament in general and the Senate in particular. The leadership of the Senate has also noted that the allegations have not included material particulars, including the specific individual Senators against whom the allegations of bribery are made.

Senators are called to a very high office of responsibility and accountability and are required under the Constitution to live up to a very high standard of integrity and accountability. This is the thrust of a number of provisions of the Constitution, including Articles 1(3) and 10, as well as Chapter Six on Leadership and Integrity of State Officers. Senators take and subscribe to an oath of office to obey, respect, uphold, preserve, protect and defend the Constitution. It follows, therefore, that allegations of bribery and extortion made against Senators merit the most urgent and deliberate action and intervention.

Hon. Senators, to fight corruption requires a systematic and integrated approach in which all organs of the Government collaborate and cooperate to the extent of their respective spheres. To this end, while there exist constitutional and statutory agencies for preventing, detecting and prosecuting corrupt acts and while the Judiciary adjudicates on such matters, the Legislature too has robust mechanisms for addressing the vice.

Hon. Senators, as you are aware, the Parliamentary Powers and Privileges Act, Cap.6 of the Laws of Kenya has an elaborate framework for Parliament to deal with errant legislators. Section 15(5) of this Act mandates the Committee of Powers and Privileges, which is chaired by the Speaker, either on its own Motion or as a result of a complaint made by any person to inquire into the conduct of a Member whose conduct is alleged to constitute breach of privilege in terms of Section 16 within 14 days of receipt of that particular complaint and to make recommendations to the House for its appropriate action.

Part of the conduct that is prohibited under this Act includes improper influence of Members of Parliament, fraud, intimidation, offer or promise of any inducement or benefit of any kind of a Member in the performance of the Member's functions. It is prohibited for Members to solicit, receive or accept any fee, compensation, gift, reward, favour or benefit of any kind to undertake or forego to undertake their functions.

Hon. Senators, for the Senate to invoke this framework, it is most helpful that the information available to the Executive and other organs and agencies or other persons is shared with the Senate.

As the Speaker of the Senate, I have not received any complaint or information relating to bribery, extortion or any other corrupt practice against a Senator from a member of the Executive, Ministries, Departments or Agencies of Government, a Governor or other County Government Agencies. If I do receive such a complaint, I am obligated and will take the necessary stern action without delay.

Concerns have also been expressed about the manner in which the Senate has prosecuted its mandate relating to the impeachment hearings for proposed removal of State officers. The conduct of the Senate in matters impeachment is a matter of public record. It does not show any consistent pattern of acquittals or confirmation of impeachment charges.

Of the 19 impeachment proceedings that the Senate has undertaken since 2014, in eight instances, the Senate has found the charges against a State officer to have been substantiated and has confirmed the impeachment. In nine instances, the Senate has found

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

the charges not to be substantiated and has not confirmed the impeachment against the State officers.

Notably, in two instances, the Senate has dismissed the proposed impeachments for failure to meet the threshold of the law. The Senate has conducted the impeachment proceedings in accordance with the Constitution and the laws, and has made its determinations on the basis of the evidence and the law.

(Applause)

In this respect, as in the other matters, the Senate welcomes information and evidence of inducement or other impropriety by any Senator for appropriate action to be taken.

Hon. Senators, in the course of the last one week, statements have been made questioning the constitutional mandate of the Senate to oversight a particular category of State officers; namely, county governors. It has been contended that the oversight role of the Senate should be limited to the national Government and that oversight over county governors is the preserve of county assemblies.

Article 96 of the Constitution sets out, as part of the role of the Senate, to represent the counties and to protect the interests of the counties and their governments.

Article 96(3) is explicit, that the Senate determines the allocation of national revenue among counties, as provided for in Article 217 of the Constitution and exercises oversight over national revenue allocated to the county governments. (I will repeat that for emphasis).

Furthermore, Article 125 of the Constitution decrees that either House of Parliament and any of its committees has power to summon any person to appear before it for the purpose of giving evidence or providing information. This is exactly what that Senate has been doing and will continue doing.

Apart from the clear provisions of the Constitution on the matter, the superior courts have made a number of decisions addressing the question of the jurisdiction of the Senate to summon and exercise oversight over county governors and other county government officials and the demarcation of the oversight function between the Senate and County Assemblies.

In *High Court Petition No. 334 of 2016: Kyalo Kamina versus the Senate and Others*, the Court held as follows on the question of the oversight responsibility of the Senate-

“The Senate and the county governments are to work together to ensure that the purpose of devolution is achieved. The two bodies cannot work separately, and since the county government receives funds from the national level, they cannot check themselves. Accountability has to come from a body not within the county level, thus the Senate.”

Those are the words of the courts.

The *Supreme Court in Petition No.24 of 2019, between the Senate and the Council of County Governors and Others*, while also considering the issue of the mandate of the Senate stated as follows-

“The purpose of the Constitution is to entrench good governance, the rule of law, accountability, transparency and prudent management of public finances at both levels of Government. Such grand purpose cannot be served if either the

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Senate or county assemblies begin to develop “centres of oversight/influence”. In this regard, the county assemblies provide the first tier of oversight, while the Senate provides the second and final tier of oversight.”

This was a pronouncement by the court.

In the end, the Supreme Court held that in the performance of its oversight role over county revenue, the Senate has powers to summon county governors to answer any questions or provide any requisite information.

On this matter of the oversight jurisdiction of the Senate, therefore, the Senate cannot yield or concede. Unless the Constitution is amended, the constitutional mandate of the Senate is not negotiable or discretionary.

(Applause)

It is a solemn trust invested on the Senate which the Senate will continue to discharge faithfully and without fear or favour.

Hon. Senators, let me conclude by making an impassioned plea to the Executive, other agencies of Government, county governments and all other persons, that it is incumbent on all of us to protect the institution of the Legislature, which is the cornerstone of our democracy.

Holding the Legislature to account and requiring the highest standards of integrity is laudable, but it needs to be followed by collaborative action with the Legislature itself by favouring the appropriate offices of the Legislature with the information available to the Executive and other agencies, so that the Legislature can invoke the mechanisms at its disposal to take swift and stern action against any errant Members.

The Executive as well as other agencies and all persons should also support the Senate in its oversight role in the defence of the devolved system of government, which our people so painstakingly weaved together for themselves in order to address the disparities, inequalities and other injustices of the previous centralized constitutional order.

I thank you.

(Loud consultations)

Hon. Senators, I thought I was very elaborate in this Communication, so let us leave it there. May we all rise?

(Hon. Senators stood in their places)

ADJOURNMENT

The Speaker (Hon. Kingi): Hon. Senators, there being no other business in the Order Paper, the Senate stands adjourned until Wednesday, 27th August, 2025 at 9.30 a.m.

The Senate rose at 4.10 p.m.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*