



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FIFTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, JUNE 09, 2026 AT 2.30 P.M.

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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair:

a) Visiting delegation of Teachers and Students from Consolata School in Nairobi City County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, a visiting delegation of three (3) teachers and sixty-three (63) students from Consolata School in Nairobi City County. The delegation is visiting the Senate for an academic exposition.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish them a fruitful visit.

I thank you.”

b) Visiting Delegation of officers from various County Assemblies, Institutions and State Departments

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of a visiting delegation of Officers from various County Assemblies, Institutions and State Departments. The delegation

comprises twenty-seven (27) officers who are in the Senate to undertake training in Protocol, Etiquette, and Events Management at the Centre for Parliamentary Studies and Training (CPST).

Honourable Senators,

The programme has brought together the officers from the following institutions:

1. The County Assembly of Mandera;
2. The County Assembly of Siaya;
3. Malindi Constituency Office;
4. State Department for the Blue Economy and Fisheries;
5. State Department for Broadcasting and Telecommunication;
6. State Department for Irrigation;
7. Ministry of Defence; and
8. Officers from the Parliamentary Service Commission.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish them a fruitful visit.

I thank you.”

c) Visiting Delegation of teachers and students from Arnesens High School in Uasin Gishu County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, a visiting delegation of ten (10) teachers and seventy-seven (77) students from Arnesens High School in Uasin Gishu County. The delegation is visiting the Senate for an academic exposition.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish them a fruitful visit.

I thank you.”

d) Judgement of the High Court in Constitutional Petition No. E565 of 2024, H.E. Rigathi Gachagua & 57 others versus Speaker of the National Assembly, National Assembly of Kenya, Speaker of the Senate, Senate of Kenya & 23 others, High Court, Nairobi

“Honourable Senators,

I have the following Communication to make:

The communication relates to the judgement of the High Court Constitutional and Human Rights Division at Nairobi, Constitutional Petition No. E565 of 2024, H.E. Rigathi Gachagua & 57 Others Versus Speaker of The National Asssembly, National Assembly of Kenya, Speaker of The Senate, Senate of Kenya & 23 Others delivered yesterday, 8th June, 2026, and extensively covered in the print and electronic media since then.

It is noted from the onset that the Speaker of the Senate and the Senate of Kenya were listed as the 3rd and 4th respondents to this Petition. To this end, the Senate was represented and participated fully in the conduct of the Petition culminating in the delivery of the Judgement yesterday as aforesaid. From listening to the Judgement and the media summary of the Judgement issued by the Court yesterday, 8th June, 2026, it is clear that certain findings and final orders of the Court with respect to the conduct, by the Senate, of the impeachment proceedings with respect to H.E. Rigathi Gachagua, have been faulted in that judgement.

Honourable Senators,

Following the delivery of the judgement, we have been advised by counsel for the Senate, that among the findings of the High Court in the lengthy Judgement delivered yesterday, include the following finding, and I quote –

The right to a fair trial under Article 47 and 50

We find that H.E. Gachagua's rights were infringed when the Senate declined to allow an adjournment. This violation constitutes both a vindication of his rights and a recognition of the constitutional infirmity in the process but does not undo the impeachment itself given the finality of Article 145(7) and the constitutional absurdity that would arise from dual incumbency.

Secondly, in its final orders, we have been advised that the High Court has made the following Orders, and I quote –

Final Orders

(1)

(2) *A declaratory order is hereby issued that H.E. Gachagua's fair trial rights were infringed when the Senate declined to allow an adjournment in the impeachment proceedings despite his absence.*

(3) ...

(4) ..

(5) *The Court awards constitutional damages of Kshs. 50 million to H.E. Gachagua payable by the Senate to vindicate the Constitution, restore the dignity of the affected party and deter future violations.*

Honourable Senators,

We have instructed our counsel to apply for certified copies of proceedings and file a Notice of Appeal immediately.

Even as we prepare for the appellate process, it is appropriate that certain matters be put on record, to calm a restive public which is concerned about a judgement which portrays the Senate, as an institution, which, sitting as a quasi-judicial body, failed to grant the former Deputy President, a fair hearing.

The Court faults the Senate as having infringed on the rights of the former Deputy President by declining to allow an adjournment without considering the circumstances and the context in which that determination was made. Although the Court cites the Hansard of that day, it does not take due account of the series of events. The impeachment process had proceeded without incident and in the presence of the former Deputy President until the last day when the Senate adjourned for lunch. The National Assembly had concluded, including evidence in chief, cross-examination and re-examination. The former Deputy President and his counsel were made aware that H.E. Gachagua would take the stand on resumption, after lunch. Upon resumption, Senior Counsel, Paul Muite, for the former Deputy President first began by informing the Senate that he was not aware of his client's whereabouts forcing the Senate to temporarily suspend the proceedings to allow Senior Counsel Paul Muite to establish the whereabouts of his client. Upon resumption, after a long wait, Counsel stated that he had learned that his client had been taken ill. Notably, counsel did not make any effort, even when requested by the Senate, to provide any evidence to support this claim.

However, the Court determines that the Senate should nevertheless have allowed the adjournment request. In essence, the High Court is telling this Senate that it had to allow an adjournment request that was not backed by any evidence to support a claim of illness or other reason for the unavailability of the former Deputy President. This finding is even more troubling when the Court itself first admitted the belated affidavit of Dr. Gikonyo (submitted all of two years after the impeachment!) and then dismissed it as being of no consequence to the proceedings and wondered why this evidence was not presented in the Senate two years ago when the application for adjournment was being made.

The Court cites the speeches of some Senators on the floor in debate as an "acknowledgement by the Senate itself" that the former Deputy President was indeed ill but ignores entirely the speeches of those in debate who contended that to exercise the discretion to allow the adjournment, the Senate as the impeachment court had to be satisfied on evidence, that the application was meritorious and was not merely a tool to frustrate, delay or altogether stop the impeachment process. As is well known, the speeches of individual Senators in debate on the floor, do not constitute decisions or determinations by the Senate.

Honorable Senators,

The High Court fails to recognise that the Senate did not determine that an adjournment could not be granted. Indeed, the vote on the motion on the request for the adjournment was precisely on whether to grant the adjournment or not. The Senate, as the impeachment court, decided not to grant the adjournment request in the particular circumstances of the day because of the absence of evidence or good cause presented to it. This is standard practice for any judicial or quasi-judicial body. The Senate like any other judicial or quasi-judicial body, including, for that matter, the High Court itself, only grants an adjournment on good reasons. The discretion to grant an adjournment is not automatic. It must be exercised judiciously, balancing the right to a fair trial with the

constitutional mandate to avoid unnecessary delays and dispose of cases judiciously. In the matter at hand, it is probably true to say that no Court, in the circumstances the Senate found itself in, with an application for an adjournment, entirely devoid of any supporting evidence on its claims, would have granted the adjournment. An applicant for an adjournment must provide cogent, credible and convincing reasons why a trial should not proceed.

The Court gravely misdirects itself on the import of the rights of an accused person under Article 50 of the Constitution by failing to recognise that the right to be present is a right of the accused person and not an obligation. An accused person who having had the evidence adduced against him and had opportunity to challenge it in person or by advocate, on cross examination, chooses, without good cause shown, to absent himself from further proceedings, whether with the aim of paralysing the proceedings or otherwise for any other reason, cannot benefit from the provisions of Article 50. No Court, properly interpreting the Constitution, should find that the right to fair trial has been violated because an accused person has chosen to absent himself from his trial or any part of it, without providing sound reasons or evidence for that course of conduct.

For these reasons, a key part of the appeal to be preferred by the Senate will centre on this plainly erroneous finding of the High Court.

Honourable Senators,

Having reached the foregoing erroneous finding, the Court then proceeded to issue the Orders that I have recited above, which the Senate will, among other matters of fact and law, also be challenging in the Court of Appeal. The declaratory order has no basis because H.E. Gachagua's fair trial rights were not infringed. The order for constitutional damages of Kshs. 50 million to H.E. Gachagua, being predicated on the erroneous findings and declaratory Orders of the Court will similarly be challenged.

Honourable Senators,

The Senate is first to pledge fidelity to the supremacy of the Constitution and all the in-built principles of the rule of law and separation of powers. In similar vein, the Senate will robustly stand in defence of the Constitution from derogation and violation from any quarter not least the Courts of law. The Senate must do this, not for its own sake, but because it is the duty of every person under Article 3 of the Constitution to respect, uphold and defend the Constitution.

I thank you.”

5. QUESTIONS AND STATEMENTS

Requests for Statements pursuant to Standing Order 53 (1)

- i. Kauli ya Seneta wa Kaunti ya Mombasa (Seneta Mohamed Mwinyihaji, Mbunge) kutoka kwa Kamati ya Kudumu ya Leba na Ustawi wa Jamii kuhusu kutosafiri kwa vijana mia mbili na sitini

waliopata mikopo kupitia Mfuko wa Maendeleo ya Biashara za Vijana (*Youth Enterprise Development Fund*) mwezi wa Julai 2025 ili kuenda ughaibuni kwa ajira iliondolewa kwa kutokuweko kwa Seneta husika.

- ii. Statement by the Senator for Trans Nzoia County (Sen. Allan Chesang, MP) from the Standing Committee on Finance and Budget regarding budgeting and accounting malpractices in Trans Nzoia County was deferred on the request of the Senator.
- iii. Statement by the Senator for Samburu County (Sen. (Dr.) Lelegwe Ltumbesi, MP) from the Standing Committee on National Security, Defence and Foreign Relations regarding the welfare, remuneration, medical cover and general working conditions of National Police Reservists (NPRs) in Samburu County and other pastoralist counties was dropped in the absence of the Senator.
- iv. Statement by the Senator for Samburu County (Sen. (Dr.) Lelegwe Ltumbesi, MP) from the Standing Committee on Labour and Social Welfare regarding the irregular engagement of workers on casual basis for prolonged periods by the County Government of Samburu was dropped in the absence of the Senator.
- v. Statement by the Senator for Murang'a County (Sen. Joe Nyutu, MP) from the Standing Committee on Land, Environment and Natural Resources regarding the dumping of untreated waste by avocado processing factories operating within Kandara and Maragua Sub-Counties in Murang'a County was dropped in the absence of the Senator.

6. **THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2024)**

(The Senate Majority Leader)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 3rd June, 2026 –
Afternoon Sitting)
(Mover to reply)***

Order deferred.

7. **MOTION - REPORTS OF THE STANDING COMMITTEE ON HEALTH ON THE COUNTY OVERSIGHT AND NETWORKING ENGAGEMENTS IN KITUI, MAKUENI, MACHAKOS, KIAMBU, BUNGOMA AND KAKAMEGA COUNTIES**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Reports of the Standing Committee on Health on the County Oversight and Networking Engagements in Kitui, Makueni and Machakos Counties, laid on the Table of the Senate on Thursday, 26th February, 2026; Kiambu County laid on the table of the Senate on Thursday, 19th March, 2026; Bungoma and Kakamega Counties, laid on the Table of the Senate on Tuesday, 21st April, 2026.

***(Resumption of debate interrupted on Thursday, 4th June, 2026)
(Question to be put)***

Order deferred.

8. **THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2024)**
(Sen. Kathuri Murungi, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 5th May, 2026)
(Division)

Order deferred.

9. **THE ENVIRONMENTAL MANAGEMENT AND COORDINATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 66 OF 2023)**
(Sen. Crystal Asige, MP, Co-Sponsor)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 2nd June, 2026)
(Division)

Order deferred.

10. **THE AUTISM MANAGEMENT BILL (SENATE BILLS NO. 19 OF 2025)**
(Sen. Karen Nyamu, MP)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 3rd June, 2026 –
Afternoon Sitting)***
(Division)

Order deferred.

11. **COMMITTEE OF THE WHOLE
THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILLS NO. 3 OF 2024)**
(The Senate Majority Leader)

Order deferred.

12. **COMMITTEE OF THE WHOLE
THE NUTS AND OIL CROPS DEVELOPMENT BILL (SENATE BILLS NO. 47
OF 2023)**
(Sen. Hamida Kibwana, MP)

(Resumption of debate interrupted on Tuesday, 2nd June, 2026)
(Division)

Order deferred.

13. **COMMITTEE OF THE WHOLE
THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)**
(The Chairperson, Standing Committee on Labour and Social Welfare)

(Resumption of debate interrupted on Tuesday, 2nd June, 2026)
(Division)

Order deferred.

14. **COMMITTEE OF THE WHOLE**
THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 10 OF 2024)

(The Senate Majority Leader and the Senate Minority Leader)

(Resumption of debate interrupted on Tuesday, 2nd June, 2026)
(Division)

Order deferred.

15. **COMMITTEE OF THE WHOLE**
THE ENVIRONMENT LAWS (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2024)

(Sen. Abdul Haji, MP)

(Resumption of debate interrupted on Tuesday, 2nd June, 2026)
(Division)

Order deferred.

16. **COMMITTEE OF THE WHOLE**
THE SPORTS (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 45 OF 2024)

(Sen. (Prof.) Tom Ojienda, MP and Sen. Raphael Chimera, MP)

(Resumption of debate interrupted on Tuesday, 2nd June, 2026)
(Division)

Order deferred.

17. **COMMITTEE OF THE WHOLE**
THE PUBLIC AUDIT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 4 OF 2024)

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 2nd June, 2026)
(Division)

Order deferred.

18. **COMMITTEE OF THE WHOLE**
THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)

(Sen. Miraj Abdillahi Abdulrahman, MP)

(Resumption of debate interrupted on Tuesday, 2nd June, 2026)
(Division)

Order deferred.

19. **COMMITTEE OF THE WHOLE**
THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILLS NO. 36 OF 2024)

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 2nd June, 2026)
(Division)

Order deferred.

20. **COMMITTEE OF THE WHOLE**
THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 3 OF 2024)

(Sen. Ledama Olekina, MP and Sen. William Kisang, MP)

(Resumption of debate interrupted on Tuesday, 2nd June, 2026)
(Division)

Order deferred.

21. **MOTION – CONSIDERATION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE FOOD AND FEED SAFETY CONTROL COORDINATION BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2023)**

Order read;

Motion Made and Question proposed;

THAT, the Senate adopts the Report of the Mediation Committee on the Food and Feed Safety Control Coordination Bill (National Assembly Bills No. 21 of 2023), laid on the table of the Senate on Tuesday, 28th April, 2026, and that pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

(The Vice Chairperson, Mediation Committee)

Debate arising;

And there being no more Senators wishing to contribute;

Mover replied;

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

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) acceding to the request, deferred the putting of the Question to a later date.

22. **THE COUNTY GOVERNMENTS LAWS (AMENDMENT) BILL (SENATE BILLS NO. 52 OF 2024)**

(Sen. Kathuri Murungi, MP)

(Second Reading)

Order deferred.

23. **THE COUNTY GOVERNMENTS (STATE OFFICERS REMOVAL FROM OFFICE) PROCEDURE BILL (SENATE BILLS NO. 34 OF 2024)**

(Sen. Karungo Thang'wa, MP)

(Second Reading)

Order deferred.

24. **THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)**

(Sen. Lenku Ole Kanar Seki, MP)

(Second Reading)

Order deferred.

25. **THE LIVESTOCK PROTECTION AND SUSTAINABILITY BILL (SENATE BILLS NO. 32 OF 2024)**

(Sen. (Dr.) Lelegwe Ltumbesi, MP)

(Second Reading)

Order deferred.

26. **THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL (SENATE BILLS NO. 20 OF 2024)**

(Sen. Karungo Thang'wa, MP and Sen. Godfrey Osotsi, MP)

(Second Reading)

Order deferred.

27. **THE REFERENDUM BILL (SENATE BILLS NO. 3 OF 2026)**

(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

(Second Reading)

Order deferred.

28. **MOTION - REPORT OF THE STANDING COMMITTEE ON ENERGY ON INQUIRY INTO THE SHORTAGE OF SMART ENERGY METERS IN KENYA AND THE POTENTIAL FOR THEIR LOCAL MANUFACTURING**

Order read;

Motion Made and Question proposed;

THAT, the Senate adopts Report of the Standing Committee on Energy on inquiry into the shortage of smart energy meters in Kenya and the potential for their local manufacturing, laid on the Table of the Senate on Wednesday, 11th June, 2025.

(The Vice - Chairperson, Standing Committee on Energy)

Debate arising;

And there being no more Senators wishing to contribute;

Mover replied;

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

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) acceding to the request, deferred the putting of the Question to a later date.

And there being no other business on the Order Paper, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) adjourned the Senate at fifty-five minutes past five O'clock without Question put, pursuant to the Standing Orders.

29. **SENATE ROSE** – at fifty-five minutes past five O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Wednesday, June 10, 2026 at 9:30 a.m.*

--x--