



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

SUPPLEMENTARY ORDER PAPER

AFTERNOON SITTING

MONDAY, OCTOBER 14, 2024 AT 2.30 P.M.

PRAYER

1. Communication from the Chair.
2. Notice of Motion (as listed in the Appendix).
3. **MOTION – PRELIMINARY OBJECTION BY THE GOVERNOR OF KERICHO COUNTY ON THE THRESHOLD APPLIED FOR THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE GOVERNOR OF KERICHO COUNTY, BY THE COUNTY ASSEMBLY OF KERICHO**
(The Deputy Senate Majority Leader)

THAT, AWARE that pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Wednesday, 2nd October, 2024, the County Assembly of Kericho approved a Motion for the removal from office by impeachment, of the Honourable (Dr.) Erick Kipkoech Mutai, Governor of Kericho County;

NOTING THAT, by a letter Ref. No. KCA/SP/3 Vol. I/4/ (34), dated Wednesday, 2nd October, 2024, and received in the Office of the Speaker on the same day, 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 including the list of 31 out of 47 Members of the County Assembly that voted in favour of the Motion for removal from office, by impeachment, of Honourable (Dr.) Erick Kipkoech Mutai, the Governor of Kericho County;

...../Motion

ALSO NOTING that one of the preliminary objections raised by Honourable (Dr.) Erick Kipkoech Mutai, the Governor of Kericho County was that the requisite threshold for passage of a Motion for the removal of a Governor from office, by impeachment, being two-thirds of the Members of the County Assembly, as provided for in section 33 of the County Governments Act and standing order 74 of the Standing Orders of the County Assembly of Kericho, is 32 Members of the County Assembly and was not met;

NOW THEREFORE, the Senate resolves to uphold the preliminary objection on the threshold required for removal of a Governor from office, by impeachment, provided for in section 33 of the County Governments Act and standing order 74 of the Standing Orders of the County Assembly of Kericho and forthwith terminates the hearing on the proposed removal from office, by impeachment, of Honourable (Dr.) Erick Kipkoech Mutai, the Governor of Kericho County.

4. **HEARING AND DETERMINATION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE (DR.) ERICK KIPKOECH MUTAI, THE GOVERNOR OF KERICHO COUNTY.**

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...../Hearing Programme



REPUBLIC OF KENYA

PARLIAMENT OF KENYA

THE SENATE

HEARING PROGRAMME IN PLENARY

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

**The Clerk's Chambers,
The Senate,
1st Floor, Main Parliament Building,
NAIROBI, KENYA**

OCTOBER, 2024

Venue: Senate Chamber, Nairobi

2.30 pm – 4.30 pm	Determination on the Preliminary Objections
4:30 pm – 5:00 pm	Opening Statement on behalf of the County Assembly (30 minutes)
5:00 pm – 5:30 pm	Opening Statement on behalf of the Governor (30 minutes)
5:30 pm – 10.30 pm	Evidence by the County Assembly (Evidence of witnesses, if any, cross-examination and re-examination): <i>County Assembly</i> - maximum of 3 hours for Evidence of witnesses and re-examination. <i>Governor</i> – maximum of 2 hours for cross-examination.
10:30 pm – 11.30 pm	Questions/Requests for Clarification by Senators

Adjournment

APPENDIX

NOTICE OF MOTION – PRELIMINARY OBJECTION BY THE GOVERNOR OF KERICHO COUNTY ON THE THRESHOLD APPLIED FOR THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE GOVERNOR OF KERICHO COUNTY, BY THE COUNTY ASSEMBLY OF KERICHO

(The Deputy Senate Majority Leader)

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NOTING THAT, by a letter Ref. No. KCA/SP/3 Vol. I/4/ (34), dated Wednesday, 2nd October, 2024, and received in the Office of the Speaker on the same day, 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 including the list of 31 out of 47 Members of the County Assembly that voted in favour of the Motion for removal from office, by impeachment, of Honourable (Dr.) Erick Kipkoech Mutai, the Governor of Kericho County;

ALSO NOTING that one of the preliminary objections raised by Honourable (Dr.) Erick Kipkoech Mutai, the Governor of Kericho County was that the requisite threshold for passage of a Motion for the removal of a Governor from office, by impeachment, being two-thirds of the Members of the County Assembly, as provided for in section 33 of the County Governments Act and standing order 74 of the Standing Orders of the County Assembly of Kericho, is 32 Members of the County Assembly and was not met;

NOW THEREFORE, the Senate resolves to uphold the preliminary objection on the threshold required for removal of a Governor from office, by impeachment, provided for in section 33 of the County Governments Act and standing order 74 of the Standing Orders of the County Assembly of Kericho and forthwith terminates the hearing on the proposed removal from office, by impeachment, of Honourable (Dr.) Erick Kipkoech Mutai, the Governor of Kericho County.

NOTICE PAPER

Hearing Programme for

Tuesday, October 15, 2024

(Published pursuant to Standing Order 43 (1))

It is notified that the Hearing Programme for the proposed removal from office, by impeachment, of Honourable (Dr.) Erick Kipkoech Mutai the Governor of Kericho County for Tuesday, 15th October, 2024, will be as follows –

9.00 am – 1.00 pm	Evidence by the Governor (Evidence of witnesses, if any, cross-examination and re-examination): Governor - maximum of 3 hours for Evidence of witnesses and re-examination. County Assembly – maximum of 2 hours for cross-examination.
1.00 pm – 2.30 pm	Lunch Break
2.30 pm – 3.30 pm	Cont.... Evidence by the Governor (Evidence of witnesses, if any, cross-examination and re-examination)
3.30 pm– 4.30 pm	Questions/Requests for Clarification by Senators
4:30 pm – 5:30 pm	Closing Statement on behalf of the County Assembly (60 minutes)
5:30 pm – 6:30 pm	Closing Statement on behalf of the Governor (60 minutes)
6:30 pm	Special Motion on the proposed removal from office, by impeachment, of Hon. (Dr.) Erick Kipkoech Mutai, the Governor of Kericho County. <ul style="list-style-type: none">• <i>Debate by Honourable Senators</i>• <i>Final submission (if any) by Hon. (Dr.) Erick Kipkoech Mutai, the Governor of Kericho County.</i>• <i>Voting on the charges</i>

Adjournment
