



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (FOURTH SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**SPECIAL SITTING**

**WEDNESDAY, AUGUST 20, 2025 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 Quorum, invited the Clerk to call the Orders of the day.

4. **ADMINISTRATION OF OATH**

Pursuant to Article 74 of the Constitution and Standing Order 3(6), the Speaker Administered Oath of Office to Senator Consolata Nabwire Wakwabubi.

5. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair:

**(a) Convening of the Special Sitting of the Senate**

“Honourable 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 Statute.

On the request of the Senate Majority Leader vide letter Ref. No. SEN/MLS/CORR (28) dated 18<sup>th</sup> August, 2025 and with the support of the requisite number of Senators, I appointed today, Wednesday, 20<sup>th</sup> August, 2025, as a day for a Special Sitting of the Senate. The appointment was made vide Gazette Notice No. 11450 dated 18<sup>th</sup> August, 2025.

In the Gazette Notice, I indicated that the business to be transacted at this Special Sitting shall be-

- a. Swearing-in of Consolata Nabwire Wakwabubi, a Senator elected pursuant to Article 98 (1) (b) of the Constitution;
- b. the hearing of the Charges on the proposed removal from office, by impeachment, of Hon. Eric Mutai, Governor of Kericho County; and
- c. Motion for alteration of the Senate Calendar.

Honourable Senators,

In accordance with Standing Order 33 (5), the business specified in the Gazette Notice referred to above and as outlined in the Order Paper, shall be the only business before the Senate during the Special Sitting, following which the Senate shall stand adjourned until Tuesday, 9<sup>th</sup> September, 2025 at 2:30 p.m., pursuant to the Senate Calendar.

I thank you.”

**(b) Delegation accompanying Sen. Consolata Nabwire Wakwabubi, MP**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s and Public Galleries 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.

Honourable 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 thank you.”

**(c) Visitors from the National Assembly of the Republic of Namibia and Moi High School Kabarak**

“Honourable Senators,

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 the Republic of Namibia and

Andrew Kiprop Kaimugul, a student from the Moi High School Kabarak. They are in the Senate for a benchmarking and study visit respectively.

Honourable 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 thank you.”

**(d) Certain allegations made against the Senate**

“Honourable Senators,

The leadership of the Senate across the political divide meeting today, Wednesday, 20th August, 2025 has noted, 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 and extortion 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 Article 10 as well as Chapter 6 on the 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 that allegations of bribery and extortion made against Senators merit the most urgent and deliberate action and intervention.

Honourable Senators,

To fight corruption requires a systematic and integrated approach in which all the 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.

Honourable Senators,

As you are all 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 of 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 fourteen days of receipt of a complaint and to make recommendations to the House for its appropriate action.

Part of the conduct that is prohibited under the 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 to forego to undertake their functions.

Honourable Senators,

For the Senate to invoke this framework, it is most helpful that the information available to the Executive and other organs and agencies and other persons is shared with the Senate. As the Speaker of the Senate, I have not received any complaint or information relating to bribery or 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 I will take the necessary action without delay.

Honourable Senators,

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 nineteen 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, while in nine instances, the Senate has found 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 impeachment 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. 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.

Honourable 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. 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.

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.

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 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.

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

Honourable 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 to 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 and inequalities and other injustices of the previous centralized constitutional order.

I thank you.”

6. **MESSAGE FROM THE COUNTY ASSEMBLY OF KERICHO - APPROVAL OF A MOTION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. (DR.) ERICK KIPKOECH MUTAI, GOVERNOR OF KERICHO COUNTY**

The Speaker conveyed the following Message from the County Assembly of Kericho –

“I wish to report to the Senate that I have, pursuant to Standing Order 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.) Erick Kipkoech Mutai, 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 Governments Act and Standing Order 70 (13) (a) of the County Assembly of Kericho.

The Message which was conveyed to the Speaker of the Senate *vide* a letter Ref: KCA/SP/3 Vol.I (39) dated Friday, 15<sup>th</sup> August, 2025, signed by the Speaker of the County Assembly of Kericho and received in my office on Monday, 18<sup>th</sup> August, 2025 listed the following grounds of impeachment against the Governor-

**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 412A and the provisions of the Kericho County Rating Act, No. 5 of 2019 by;

- (i) authorising the misappropriation and misallocation of county finances through fictitious payments for goods, services and works which were never delivered or only partially done totalling Kshs 85,704,522.90. These included irregular claims such as the maintenance of 15 residential houses, undelivered agricultural inputs like soya beans and maize germ, and overpriced supplies, including sodas allegedly bought at five hundred shillings per bottle, tissue paper at two thousand seven hundred and fifty shillings per bale, and hand towels at three thousand six hundred shillings a piece. Payments amounting to Kshs. 5,172,715.60 were also made to companies without supporting documents, including Mengro Products Limited, Hildama Construction, Brissack 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 were often paid for in advance despite the county accumulating pending bills amounting to Kshs. 1.1 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 whistleblower's claims;
- (iii) overseeing the misappropriation of over Kshs. 351 million under the National Agricultural Value Chain Development Project (NAVCDP). Funds intended to support farmers' cooperatives in all thirty wards were diverted, with only nineteen 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 (FLOCCA) Fund, where projects were distributed unfairly and based on nepotism. The Governor ensured that his home ward of Chemosot alone received projects worth Kshs. 21.7

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 “*Equalizer Kazi Mtaani Initiative*” on or about 31<sup>st</sup> August 2023 and drawing county funds towards it without legislation to anchor the programme, without approval by the County Assembly or the Controller of Budget, and without public participation. A total of Kshs. 39 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) misappropriating funds under Strategic Intervention Projects (SIPs), for example, in the case of the upgrading of Kunyak Dispensary to a health centre, where the contractor was paid over Kshs. 8.5 million despite no works having been undertaken, contrary to the reports submitted to the Assembly;
- (vii) coercing County Executive Committee members and Chief Officers to divert funds from their departmental allocations for his personal use, channelled through his personal assistants. 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 had been raised by the public but were misappropriated by a committee constituted by the Governor.

**Allegation II: Misappropriation and/or abetting misappropriation of publicly raised funds**

The particulars of this allegation are that the Governor, on various dates between 4<sup>th</sup> and 9<sup>th</sup> July, 2023, violated the provisions of Articles 10, 73 and 75 of the Constitution, and sections 29 and 34 of the Leadership and Integrity Act, by;

- (i) overseeing misappropriation of the funds raised for the victims of horrendous Londiani junction accident tragedy in which over Kshs. 9 million of public raised funds were lost and renegeing on his undertaking to implement the Report of the County Assembly’s *Ad hoc* Committee formed to probe the misappropriation of 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 fund raiser and requiem mass of the victims of the accident; and
- (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(2)(b) of the Constitution of Kenya.

## 2. Abuse of Office

### **Allegation I: Illegal appointments, unlawful dismissal and transfers, and usurpation of the 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, sections 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-

- (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;
- (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 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 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, creating confusion and disruption in the delivery of health services; and
- (v) arbitrarily dismissing senior county officers including ten County Executive Committee Members, 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 3<sup>rd</sup> 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 –

- (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 from the National Environment Management Authority (NEMA), without gazettment 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 county public service; and
- (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.

**Honourable Senators,**

Annexed to the letter conveying the decision of the County Assembly were the following documents:

- (i) Copy of approved Notice of Motion dated 6<sup>th</sup> August, 2025 - laid on the Table of the Assembly on Wednesday, 6<sup>th</sup> August, 2025 (Afternoon sitting).
- (ii) Certified copy of a list of Members (with signatures) in support of a Motion for removal of the Kericho County Governor by Impeachment dated 6<sup>th</sup> August, 2025.
- (iii) Order Papers for the Assembly Sitzings of Wednesday, 6<sup>th</sup> August, 2025 (Afternoon Sitting); and Friday, 15<sup>th</sup> August, 2025 (Special sitting).
- (iv) Copy of the Gazette Notice for the Special Sitting of Friday, 15<sup>th</sup> August, 2025.
- (v) Certified Hansard Reports for the Assembly Sitzings of Wednesday, 6<sup>th</sup> August, 2025 (Afternoon Sitting); and Friday, 15<sup>th</sup> August, 2025 (Special sitting).
- (vi) Copies of letters dated 6<sup>th</sup> and 13<sup>th</sup> August, 2025, Reference numbers *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, 15<sup>th</sup> 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 Land's, 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 Techogies Limited;
    - (v) Pkendes Company; and
    - (vi) Joylee Group Limited.

- c. A Procurement Plan and Memo 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;
  - (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. Adhoc Committee report on Kazi Mtaani
- l. Report by Department of Finance and Economic Planning (Strategic Intervention Phase 2) and 2 photos
- m. Four (4) Affidavits
- n. One (1) Judgement and one (1) Ruling
- o. Adhoc Committee Report on Londiani Incident
- p. Auditor General Reports
- q. Correspondence between the Governor and the Speaker dated 20<sup>th</sup> August, 2024 and 3<sup>rd</sup> September, 2024
- r. Advertisement for vacancies by 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. Adhoc 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; and
- (iv) A Report on public participation.
- w. Governor's response and Volume 1 and 2
- x. Kericho County Assembly Standing Orders
- y. Flash disc containing video evidence and three (3) transcripts

**Honourable Senators,**

In terms of the way forward following the reading of the charges against the Governor, Standing Order 80 (1)(b) of the Senate, as read together with section 33 (3)(b) of the County Governments Act, gives the Senate two options on how to proceed with the matter.

The Senate may –

- (a) by Resolution, appoint a Special Committee comprising **eleven** of its members to investigate the matter; or
- (b) investigate the matter in plenary.

The Senate Majority Leader will, at an 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 80(2) of the Senate Standing Orders, to investigate the matter and to report to the Senate on whether it finds the particulars of the 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 fall-back position is that the Senate shall proceed to investigate and consider the matter in Plenary. In this event, I will appoint the dates on which the Senate will sit in Plenary to hear and determine the charges against the Governor.

**Honourable 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 or not to establish the Special Committee***. It will not be a debate on the substance of the impeachment or its merits, propriety, prudence or even the constitutionality or the legality of the processes that have preceded the submission of this matter to the Senate. It is, therefore, not permissible to deviate to any issues other than the Motion before the Senate.

In the meantime, and during the pendency of the impeachment process in the Senate, I wish to caution Honourable 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 99 of the Senate Standing Orders. Accordingly, it shall be out of order, within the meaning of Standing Order 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 fair and just outcome of the process.

**Honourable Senators,**

During this 13<sup>th</sup> Parliament, the Senate has dealt with eight impeachment proceedings – two of which were considered by Special Committees and six by the Senate sitting in Plenary, including one involving a Deputy President. Notably, this will be the second time that 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 matter.

The Senate will be sitting as a quasi-judicial body, and will conduct investigations into the alleged violations of the Constitution and the law, and thereafter make its determination on the matter. 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 Honourable Senators to exercise the highest level of responsibility on this matter.

I thank you.”

**7. NOTICE OF MOTION - ALTERATION OF THE SENATE CALENDAR FOR THE FOURTH SESSION**

(The Senate Majority Leader)

THAT, notwithstanding the resolution of the Senate made on 19<sup>th</sup> 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, 23<sup>rd</sup> September, 2025, and that the Senate Calendar (Regular Sessions) for the Fourth Session, 2025, be altered accordingly.

**8. NOTICE OF MOTION - ESTABLISHMENT OF A SPECIAL COMMITTEE TO INVESTIGATE THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. ERIC MUTAI, GOVERNOR OF KERICHO COUNTY**

(The Senate Majority Leader)

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Friday, 15<sup>th</sup> 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, 15<sup>th</sup> August, 2025, received in the Office of the Speaker of the Senate on Monday, 18<sup>th</sup> 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.

9. **MOTION – ALTERATION OF THE SENATE CALENDAR FOR THE FOURTH SESSION**

Order read;

Motion made and Question proposed;

THAT, notwithstanding the resolution of the Senate made on 19<sup>th</sup> 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 Sittings for Part V of the Fourth Session on Tuesday, 23<sup>rd</sup> September, 2025, and that the Senate Calendar (Regular Sessions) for the Fourth Session, 2025, be altered accordingly.

*(The Senate Majority Leader)*

Debate arising;

And there being no Senators wishing to contribute;

Before the Question was put, and pursuant to Standing Order 84 (2), the Speaker ruled that the Motion does not affect Counties;

And the Speaker having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and agreed to.

**RESOLVED ACCORDINGLY**

THAT, notwithstanding the resolution of the Senate made on 19<sup>th</sup> 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 Sittings for Part V of the Fourth Session on Tuesday, 23<sup>rd</sup> September, 2025, and that the Senate Calendar (Regular Sessions) for the Fourth Session, 2025, be altered accordingly.

10. **MOTION – ESTABLISHMENT OF A SPECIAL COMMITTEE TO INVESTIGATE THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. ERIC MUTAI, GOVERNOR OF KERICHO COUNTY**

Order read;

Motion made;

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Friday, 15<sup>th</sup> 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, 15<sup>th</sup> August, 2025, received in the Office of the Speaker of the Senate on Monday, 18<sup>th</sup> 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 Senate Majority Leader)*

And there being no Senator to second the Motion;

Motion deemed withdrawn pursuant to Standing Order 70 (1).

11. **COMMUNICATION FROM THE CHAIR - EFFECT OF THE OUTCOME ON THE MOTION FOR THE ESTABLISHMENT OF A SPECIAL COMMITTEE TO INVESTIGATE AND REPORT ON THE PROPOSED**



**REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE  
ERIC MUTAI, GOVERNOR OF KERICHO COUNTY**

The Speaker conveyed the following Communication from the Chair:

“Honourable 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 and therefore deemed to have been withdrawn pursuant to Standing Order 70 (1) of the Senate Standing Orders.

Honourable Senators,

As I communicated earlier by way of Message, on the resolution of the Kericho County Assembly, made on 15<sup>th</sup> 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 80(1)(b) of the Senate provide that the Senate may-

- (i) *by resolution, appoint a Special Committee comprising eleven of its members to investigate the matter; or*
- (ii) *investigate the matter in plenary.*

The Motion having been deemed 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(3)(a) of the County Governments Act and Standing Order 80(1)(b)(ii).

Honourable Senators,

At its meeting held today, Wednesday, 20<sup>th</sup> August, 2025, the Senate Business Committee 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 Invitations to Appear to the Parties on Thursday, 21<sup>st</sup> August, 2025;
- b. The Parties to file their responses with the Office of the Clerk of the Senate by Monday, 25<sup>th</sup> August, 2025, by 5.00 p.m.;

- c. The Clerk to circulate documents received from the Parties, including the Plenary Hearing Programme, to all Honourable Senators by Close of Business on Tuesday, 26<sup>th</sup> August, 2025; and
- d. The Senate shall then investigate the matter in plenary on Wednesday, 27<sup>th</sup> August, 2025, Thursday, 28<sup>th</sup> August, 2025 and on Friday, 29<sup>th</sup> August, 2025.

The Senate is accordingly guided.

I thank you.”

And there being no other business on the Order Paper, the Speaker adjourned the Senate at nine minutes past Four O'clock without Question put, pursuant to the Standing Orders.

12. **SENATE ROSE** – at nine minutes past Four O'clock

**M E M O R A N D U M**

The Speaker will take the Chair on  
Tuesday, September 23, 2025 at 2:30 pm

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