



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

AFTERNOON SITTING

WEDNESDAY, SEPTEMBER 24, 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 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. **COMMUNICATION FROM THE CHAIR - COMMENTS MADE BY SEN. (DR.) BONI KHALWALE, MP, WHILE CONTRIBUTING TO THE MESSAGE FROM THE NATIONAL ASSEMBLY ON THE PASSAGE OF THE EQUALISATION FUND APPROPRIATION BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2025)**

The Speaker conveyed the following Communication from the Chair:

“Honourable Senators,

As you may recall, at the sitting of the Senate held on Tuesday, 5th August, 2025, the Temporary Speaker (Sen. Hillary Sigei, MP) communicated a Message from the National Assembly, on the passage, by the National Assembly, of the Equalization Fund Appropriation Bill (National Assembly Bills No. 21 of 2025). Thereafter, the Temporary Speaker allowed Honourable Senators to make comments on the Message.

While contributing to the Message, the Senator for Kakamega County, Sen. (Dr.) Boni Khalwale, MP) made comments in reference to the Speakers of the Houses of Parliament. Specifically, Sen. (Dr.) Khalwale, MP stated as follows

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“---Unless the Speaker of the Senate has either; abdicated his responsibility, he is in connivance or he has decided to learn the bad manners of the Speaker of the National Assembly, who has reduced himself to an agent of the United Democratic Party (UDA), running around...”

This prompted the Senator for Bungoma County, Sen. Wafula Wakoli, MP, to rise on a point of order pursuant to Standing Order 105 to require Sen. (Dr.) Boni Khalwale, MP, to substantiate the statement pursuant to Standing Order 105(1).

Honourable Senators,

Standing Order 105 (1) states that –

“A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.”

Further, Standing Order 105 (2) states that –

“If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order 121 (Disorderly conduct) unless the Senator withdraws the allegations and gives a suitable apology....”

At the sitting of the Senate held on Tuesday, 5th August, 2025, Sen. (Dr.) Boni Khalwale, MP, was not able to substantiate his statement as required under Standing Order 105(1). The Senator consequently sought the indulgence of the Temporary Speaker (Sen. Hillary Sigei, MP) for more time to provide the evidence at the next sitting day in accordance with Standing Order 105 (2). Having acceded to the request, the Temporary Speaker (Sen. Hillary Sigei, MP) directed that the Senator substantiates the allegation at the next sitting day.

Honourable Senators will recall that at the subsequent sitting held on Wednesday, 6th August, 2025, the Deputy Speaker invited Sen. Khalwale, MP, to table the evidence in support of his claim made on Tuesday, 5th August, 2025, pursuant to Standing Order 105(2). Thereupon, Sen. Khalwale, MP, proceeded to table a flash disk drive containing three (3) video clips, as evidence to substantiate his claim.

Following the tabling of the evidence by Sen. (Dr.) Khalwale, MP, the Deputy Speaker undertook to review the matter and give a ruling at a later date, as it was not possible to do so then.

Honourable Senators,

Ordinarily, the obligation on the Speaker in such matters is to review the evidence tabled, determine on admissibility, establish whether it verifies the claims made, and finally to rule on whether, accordingly, the threshold under Standing Order 105 has been met.

However, after going through the Hansard for Tuesday, 5th August, two fundamental issues arise that require my determination in this instance. First, was Sen. (Dr.) Boni Khalwale's statement in order within the context of the "debate" at hand? Second, was the point of order by Sen. David Wafula, MP, for substantiation valid?

Honourable Senators,

With respect to the first issue – whether the comments by Sen. (Dr.) Khalwale were in order - I draw your attention to Standing Order 101, with particular reference to Standing Order 101 (4) which states: -

"No Senator shall impute improper motive to any other Senator or to a Member of the National Assembly except upon a specific substantive Motion of which at least three days' notice has been given, calling in question the conduct of that Senator or Member of the Assembly."

In jurisdictions similar to that of the Parliament of Kenya, "imputing improper motive" on a Member of Parliament refers to accusing a fellow Member of acting out of malice, influence from others, bribery or for personal gain or through corrupt practices. Such accusations require that a specific substantive motion against such a Member to be moved for the matters to be properly addressed. Standing Order 101(4) therefore, is a safe-mode measure that ensures that Members do not make baseless accusations against their colleagues, and that serious allegations on the conduct of Members are properly addressed.

Honourable Senators,

During his speech, Sen. (Dr.) Boni Khalwale, MP, made comments that imputed improper motive on the Speaker of the Senate and the Speaker of the National Assembly. This inference on the conduct of the Speakers cannot go unnoticed. Honourable Senators will note that on several occasions, I have ruled Senators to be out of order if their comments impute improper motive on their colleagues without a substantive motion. If Sen. (Dr.) Khalwale, MP wanted to discuss the conduct of the Speakers, he ought to have filed a substantive Motion giving the requisite notice.

In this respect therefore, I find the comments by Sen. (Dr.) Khalwale imputing improper motive on the conduct of the Speaker of the Senate and the Speaker of the National Assembly, to be out of order.

Honourable Senators,

The second issue that require my determination is whether the point of order by Sen. David Wafula, MP pursuant to Standing Order 105, to be valid in the context of the debate. Sen. (Dr.) Khalwale, MP was given an opportunity to table the evidence in support of his claims at the subsequent sitting on Wednesday, 6th August, 2025. However, as highlighted above, his comments ought to have been introduced through a substantive Motion.

Furthermore, in the context of the “debate” at hand, the point of order pursuant to Standing Order 105 was a misapplication of the Standing Orders and the rules of debate. The appropriate point of order under the circumstances ought to have been made pursuant to Standing Order 101, bringing to the attention of the Speaker that Standing Order 101(4) was being breached, and to require Sen. (Dr.) Khalwale to file a substantive Motion, should the Senator wish to bring to question the conduct of the Speakers of the Houses of Parliament.

In the circumstances, I find that the point of order by Sen. David Wafula, MP, calling for substantiation of facts from Sen. (Dr.) Khalwale, MP, to be null and void. Consequently, while the evidence tabled by Sen. (Dr.) Khalwale was entered into the record of the Senate, I find it inadmissible. Going into the particulars of the evidence without a substantive motion would be a breach of the Standing Orders. In this respect, I direct that the Office of the Clerk of the Senate returns the material to the Senator.

Honourable Senators,

As your Speaker, I am duty bound to impartially enforce the Standing Orders. I wish to reiterate that any Senator wishing to raise a point of order must observe the requirement of Standing Order 98. To do so effectively, it is incumbent upon all Honourable Senators to familiarize themselves with the provisions of the Standing Orders, to avoid misapplication or raising inappropriate points of order.

Finally, given the totality of the circumstances that necessitated this communication, I direct that the comments by Sen. (Dr.) Boni Khalwale, MP, imputing improper motive on the conduct of the Speaker of the Senate and the Speaker of the National Assembly, to be out of order.

I thank you.”

5. PAPERS LAID

The following Papers were laid on the Table of the Senate:

- i) Report of the Public Procurement Regulatory Authority (PPRA) concerning the performance of the Special Groups (Youth Women and

Persons with Disability) under the thirty percent (30%) Preference and Reservation Scheme for January – June, 2025 reporting period.

- ii) Annual Report of the Commission on Administrative Justice (CAJ) for financial year 2023/2024.
- iii) Report of the Controller of Budget (CoB) on the National Government Budget Implementation Review for financial year 2024/2025.
- iv) Report of the Auditor General on financial statements of Uasin Gishu County Education Revolving Fund for the year ended 30th June, 2025.
- v) Report of the Auditor General on financial statements of Uasin Gishu County Bursary and Skills Development Support Fund for the year ended 30th June, 2025.

(The Senate Majority Leader)

- vi) Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2025/2026.

(Sen. (Dr.) Boni Khalwale, MP on behalf of the Chairperson, Standing Committee on Finance and Budget)

- vii) Report of the Select Committee on Delegated Legislation on its consideration of the Affordable Housing Regulations (Legal Notice No. 114 of 2025).

(The Chairperson, Select Committee on Delegated Legislation)

6. NOTICE OF MOTION – REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR FINANCIAL YEAR 2025/2026

(Sen. (Dr.) Boni Khalwale, MP on behalf of the Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2025/2026, laid on the Table of the Senate on Wednesday, 24th September, 2025 and that, pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 189 (3), the Senate approves the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2025/2026.

7. NOTICE OF MOTION – REPORT OF THE SELECT COMMITTEE ON DELEGATED LEGISLATION ON ITS CONSIDERATION OF THE AFFORDABLE HOUSING REGULATIONS (LEGAL NOTICE NO. 114 OF 2025)

(The Chairperson, Select Committee on Delegated Legislation)

THAT, the Senate adopts the Report of the Select Committee on Delegated Legislation on its consideration of the Affordable Housing Regulations (Legal Notice No. 114 of 2025), laid on the Table of the Senate on Wednesday, 24th September, 2025; and that pursuant to Section 59(4) of the Affordable Housing Act, 2024, the Senate resolves to approve the Affordable Housing Regulations (Legal Notice No. 114 of 2025).

8. QUESTIONS AND STATEMENTS

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

- (i) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a Statement from the Standing Committee on Education regarding the closure of Higher Education Loans Board (HELB) loans application system.
- (ii) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a Statement from the Standing Committee on Education regarding the steep increase in fees paid to Technical and Vocational Education and Training (TVET) institutions.
- (iii) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the current status of Karura Forest.
- (iv) The Senator for Tharaka Nithi County (Sen. Mwenda Gataya, MP) sought a Statement from the Standing Committee on Labour and Social Welfare concerning the construction of a stadium in Tharaka Nithi Constituency, Tharaka Nithi County.
- (v) The Senator for Tharaka Nithi County (Sen. Mwenda Gataya, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the improper waste disposal practices in the country.
- (vi) Nominated Senator (Sen. Hezena Lemaletian, MP) sought a Statement from the Standing Committee on Energy regarding the electrification of Sere Olipi in Samburu East Constituency.
- (vii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the status of the fire disaster preparedness and response mechanisms in informal settlements within Kisumu County.
- (viii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Finance and Budget regarding grounded motor vehicles and machineries in the County Government of Kisumu.

- (ix) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the quality and safety of animal feeds sold in Kisumu County.
- (x) The Senator for Busia County (Sen. Andrew Omtatah, MP) sought a Statement from the Standing Committee on Health regarding the plight of nursing interns whose internship placements were unlawfully revoked.
- (xi) The Senator for Busia County (Sen. Andrew Omtatah, MP) sought a Statement from the Standing Committee on Health regarding claims of corruption, abuse of office and endangerment of public safety at the Mbagathi County Referral Hospital.
- (xii) The Senator for Busia County (Sen. Andrew Omtatah, MP) sought a Statement from the Standing Committee on Education regarding the plight of contractual teachers serving in North Eastern Kenya.
- (xiii) The Senator for Busia County (Sen. Andrew Omtatah, MP) sought a Statement from the Standing Committee on Health regarding the plight of the staff engaged through the Global Fund to support the Tuberculosis (TB) programme.

b) Statements pursuant to Standing Order 56 (1) (b)

- (i) The Chairperson, Standing Committee on Energy made a Statement relating to the activities of the Committee for the period, April to July, 2025.
- (ii) Sen. Mohamed Faki, MP on behalf of the Chairperson, Standing Committee on Finance and Budget made a Statement relating to the activities of the Committee for the period, April to July, 2025.
- (iii) The Chairperson, Standing Committee on Health made a Statement relating to the activities of the Committee for the period, April to July, 2025.

9. MOTION - IMPLEMENTATION OF AN AUTOMATED AND DECENTRALIZED CERTIFICATE OF GOOD CONDUCT SYSTEM IN KENYA

Order read;

Motion made and Question proposed;

THAT AWARE THAT a Certificate of Good Conduct is a major requirement for Kenyan citizens in accessing employment, business

opportunities, and, in some instances, financial engagements with financial institutions in Kenya, with the certificate having a validity period of one year;

CONCERNED THAT many Kenyans are compelled to travel long distances to access this service, both for the initial application and for any subsequent applications making the process tedious, time-consuming, and costly;

FURTHER CONCERNED THAT the current manual application system is prone to delays and inconsistencies, which may compromise the authenticity and integrity of a Certificate of Good Conduct;

COGNIZANT THAT the importance of introducing an automated Good Conduct Certification system, including the utilization of biometric fingerprint verification through the deployment of biometric kits, will enhance accuracy, security, and expediency in verifying individual's record;

NOW THEREFORE, the Senate resolves that the National Police Service Commission, in collaboration with the Ministry of Interior and National Administration to:

1. develop and implement an automated Good Conduct certification system designed to streamline the issuance, renewal, and verification of certificates of good conduct;
2. incorporate advanced technologies such as biometric fingerprint recognition, data encryption, and secure communication protocols to ensure the accuracy of individuals' records;
3. establish decentralized service points and deploys mobile registration units across counties to enhance accessibility, especially in remote areas; and
4. scale up public awareness initiatives in rural areas on the application and renewal process for the Certificate of Good Conduct.

(Sen. Joe Nyutu, MP – 06.08.2025)

Debate interrupted on Tuesday, 23rd September, 2025 resumed for Mover to Reply;

And in the absence of the Mover;

Before the Question was put, and pursuant to Standing Order No. 84 (2), the Temporary Speaker (Sen. Catherine Mumma, MP) ruled that the Motion does not affect counties.

And the Temporary Speaker (Sen. Catherine Mumma, MP) having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT AWARE THAT a Certificate of Good Conduct is a major requirement for Kenyan citizens in accessing employment, business opportunities, and, in some instances, financial engagements with financial institutions in Kenya, with the certificate having a validity period of one year;

CONCERNED THAT many Kenyans are compelled to travel long distances to access this service, both for the initial application and for any subsequent applications making the process tedious, time-consuming, and costly;

FURTHER CONCERNED THAT the current manual application system is prone to delays and inconsistencies, which may compromise the authenticity and integrity of a Certificate of Good Conduct;

COGNIZANT THAT the importance of introducing an automated Good Conduct Certification system, including the utilization of biometric fingerprint verification through the deployment of biometric kits, will enhance accuracy, security, and expediency in verifying individual's record;

NOW THEREFORE, the Senate resolves that the National Police Service Commission, in collaboration with the Ministry of Interior and National Administration to:

1. develop and implement an automated Good Conduct certification system designed to streamline the issuance, renewal, and verification of certificates of good conduct;
2. incorporate advanced technologies such as biometric fingerprint recognition, data encryption, and secure communication protocols to ensure the accuracy of individuals' records;
3. establish decentralized service points and deploys mobile registration units across counties to enhance accessibility, especially in remote areas; and
4. scale up public awareness initiatives in rural areas on the application and renewal process for the Certificate of Good Conduct.

10. MOTION - REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 2025 HEARING OF THE INTER-PARLIAMENTARY UNION (IPU) HELD AT THE UNITED NATIONS (UN) IN NEW YORK, UNITED STATES OF AMERICA (USA) ON 13TH – 14TH FEBRUARY, 2025

Order read;

Motion made and Question proposed;

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 2025 Hearing of the Inter-Parliamentary Union (IPU) held at the

United Nations (UN) in New York, United States of America (USA) on 13th – 14th February, 2025, laid on the Table of the Senate on Thursday, 17th July, 2025.

(Sen. Catherine Mumma, MP – 24.09.2025 – Morning Sitting)

Debate interrupted on Wednesday, 24th September, 2025 resumed for Question to be put;

Before the Question was put, and pursuant to Standing Order No. 84 (2), the Temporary Speaker (Sen. Catherine Mumma, MP) ruled that the Motion does not affect counties.

And the Temporary Speaker (Sen. Catherine Mumma, MP) having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 2025 Hearing of the Inter-Parliamentary Union (IPU) held at the United Nations (UN) in New York, United States of America (USA) on 13th – 14th February, 2025, laid on the Table of the Senate on Thursday, 17th July, 2025.

11. MOTION - REPORT OF THE 67TH COMMONWEALTH PARLIAMENTARY ASSOCIATION (CPA) CONFERENCE HELD IN SYDNEY, AUSTRALIA ON 3RD TO 8TH NOVEMBER, 2024

Order read;

Motion made and Question proposed;

THAT, the Senate notes the Report of the 67th Commonwealth Parliamentary Association (CPA) Conference held in Sydney, Australia on 3rd to 8th November, 2024, laid on the Table of the Senate on Tuesday, 22nd July, 2025.

(Sen. Jackson Mandago, MP – 24.09.2025 – Morning Sitting)

Debate interrupted on Wednesday, 24th September, 2025 resumed for Question to be put;

Before the Question was put, and pursuant to Standing Order No. 84 (2), the Temporary Speaker (Sen. Catherine Mumma, MP) ruled that the Motion does not affect counties.

And the Temporary Speaker (Sen. Catherine Mumma, MP) having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate notes the Report of the 67th Commonwealth Parliamentary Association (CPA) Conference held in Sydney, Australia on 3rd to 8th November, 2024, laid on the Table of the Senate on Tuesday, 22nd July, 2025.

12. **MOTION – REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR FINANCIAL YEAR 2025/2026**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2025/2026, laid on the Table of the Senate on Wednesday, 24th September, 2025 and that, pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 189 (3), the Senate approves the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2025/2026.

(Sen. Mohamed Faki, MP on behalf of the Chairperson, Standing Committee on Finance and Budget)

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

13. **SENATE ROSE** – at thirty minutes past Six O'clock

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, September 25, 2025 at 2:30 pm*

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