



The SENATE

Safeguarding Devolution

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Senate engages public on constitutional Bill

Kenyans have until September 26 to submit memoranda on Constitution of Kenya (Amendment) Bill, 2025.



A sitting of the Senate.



Senator Wakili Sigei, chair, Justice Committee.

The Committee on Justice, Legal Affairs and Human Rights has begun receiving memoranda from members of the public on the Constitution of Kenya (Amendment) Bill, 2025, whose sweeping changes to the 2010 Constitution are meant to entrench devolution even further.

The proposed amendments contain a far-reaching reform package designed to strengthen devolution, clarify the roles of the two Houses of Parliament and refine the legislative and budget-making process.

The Bill, which was published in the Kenya Gazette on July 22 and introduced in the House on August 7, is jointly sponsored by Majority Leader Aaron

Cheruiyot and Minority Leader Stewart Madzayo.

In line with the constitutional requirement for public participation, the Committee has formally invited individuals, organisations and professional bodies to submit written memoranda on the Bill.

Several institutions have responded to the call to submit memoranda in line with the advertisement that was published in the national newspapers on August 15.

The Kenya Law Reform Commission, (KLRC) the Law Society of Kenya (LSK), Commission on Revenue Allocation (CRA), Council of Governors, (CoG), the County Assemblies Forum (CAF) has submitted their views on the Bill and gone ahead to directly engage

the Committee.

The deadline for submission of memoranda has been set for Friday September 26, 2025.

On the same, the Committee will host the House leadership, the Senate Board of Management – the highest organ that manages staff welfare – and the Kenya Parliamentary Journalists for a breakfast meeting.

According to the plan, the meeting will be the official launch of public participation proceedings that will run for three days, from Monday, September 29.

The public hearings will be carried in all the 47 counties to give as many Kenyans as possible the opportunity to have their say on the proposals contained in

the Bill.

The Committee has segmented the country into 17 clusters with each cluster being manned by between four and seven senators.

According to Senator Wakili Sigei, the chair of the Committee, this approach will ensure that the voices of ordinary citizens are heard and that any reforms to the country's supreme law carry the legitimacy of broad-based public input.

The Bill itself seeks to address challenges of constitutional design and architecture that have emerged since the adoption of the 2010 Constitution, particularly in the functioning of devolution and bicameralism.

The last 15 years have revealed ambi-

guities that have led to frequent disputes, for example, between the National Assembly and the Senate, often spilling into the courts for litigation.

The proposed amendment is intended to eliminate overlaps, clarify mandates and give both Houses of Parliament a more effective role in national governance.

Among the notable proposals, the Bill seeks to clarify the role of each House of Parliament to avoid conflicting interpretations, provide a clear order of precedence and leadership structure for the Senate and allow any Bill — except those relating to raising national revenue — to originate in either House.

It further seeks to grant both the National Assembly and the Senate a full legislative mandate, with procedures for the joint consideration of Bills and repeals the contested definition of “money

Bill,” which has been the source of multiple legal disputes.

In addition, it provides for the joint submission of legislation passed by Parliament to the President for assent, with both Speakers required to sign off before a Bill can become law.

The budget-making process is also targeted for reform.

The Bill proposes that both Houses should jointly review and approve estimates of revenue and expenditure, a departure from the current practice where the National Assembly dominates fiscal decision-making.

Committees of both Houses would be mandated to seek representations from the public during budget reviews, thereby entrenching citizen participation in fiscal policy.

Once approved, the estimates would be included in an Appropriation Bill

introduced in Parliament, ensuring that counties, the Judiciary and Parliament itself all have their expenditure priorities safeguarded.

At the county level, the Bill proposes the establishment of a County Assembly Fund in each of the forty-seven counties.

The fund would be used to meet administrative expenses and support the legislative functions of county assemblies and its expenditures would be charged directly on the County Revenue Fund once approved.

Other proposed changes include giving both Houses of Parliament the power to approve or vet various State officers such as the Director of Public Prosecutions, the Auditor-General and the Controller of Budget.

The Bill also assigns to both Houses the process of removing commissioners and holders of independent offices, en-

suring that no single chamber dominates such critical accountability mechanisms.

On presidential assent, the proposed amendments require that if the President returns a Bill with reservations, both Houses must act jointly before the law can proceed, thus curbing unilateral influence by either the Executive or the National Assembly.

After the Senate Committee of Justice collects public views and reports back, the Bill will proceed to debate in both Houses of Parliament.

But because it touches on multiple provisions that fall under Article 255 of the Constitution, including the structure of Parliament, the functions of devolution and the process of amending the Constitution itself, it cannot become law without a national referendum.

Kenyans will therefore have the final say at the ballot box on whether to adopt the reforms.

MCA's welcome creation of County Assembly Fund

In their submission on the Bill, the County Assemblies Forum (CAF), which champions the establishment of a protected fund for county legislatures, firmly opposed the expansion of the Senate's oversight powers.

The Constitution of Kenya (Amendment) Bill, 2025, introduces a new Article 199A, establishing a County Assembly Fund for each of the 47 counties. The fund is designated for the administrative expenses and other functions of the assemblies, with its budget being a direct charge on the County Revenue Fund.

CAF Chairperson Seth Kamanza expressed strong support for the fund arguing the amendment is one of the most innovative and impactful provisions of the proposed amendments. He told the Committee that the measure responds directly to fiscal threats experienced by county assemblies, such as the reduction of budget ceilings under the County Allocation of Revenue Act, 2024, which was the subject of active litigation in court.

“We fully endorse the creation of the County Assembly Fund. This is a transformative step that will constitutionally guarantee the financial autonomy of county legislatures,” he told the Committee in his presentation on the Bill.

He argued that the provision will empower MCAs to carry out their oversight and legislative mandates effectively, free from the influence of the county executive.

Mr Kamanza proposed further amendment to the proposal. They the proposal to go further to provide that the expenditure estimates of County Assemblies shall not be less than 15 per cent of the total revenues of the county government.

They argue that the minimum threshold is vital to ensure that County Assemblies are adequately resourced to fulfil their constitutional mandate under Arti-



The CAF delegation, led by Hon Chris Omulele (left), the Speaker of the County Assembly of Vihiga, submit before the Committee.



From left, Senator Veronica Maina, Senator Wakili Sigei and Senator Tom Ojienda during the public hearings on the Constitution of Kenya (Amendment) Bill, 2025.

cle 185(3), protect against arbitrary budget ceilings cuts.

However, Mr Kamanza rejected a proposed amendment to Article 96, which seeks to expand the Senate's oversight role, including giving the Senate the power over “national revenue allocated to and revenue raised by” the counties.

CAF argues that the expansion threatens to encroach on the constitutionally assigned oversight functions of County Assemblies under Article 185(3) of the Constitution and Section 8 of the County Governments Act.

“We must reject the proposal to extend the Senate's oversight to locally generated county revenue. The oversight of funds raised within the county

is the primary and constitutional duty of the County Assembly. This amendment would create a needless jurisdictional conflict and undermine the authority of the very assemblies this bill purports to strengthen.”

He cited the decision of the Supreme Court in 2019, which affirmed that County Assemblies are the primary oversight organs over both national allocations to counties and locally generated revenue.

The Court held that the Senate cannot supervise the county executive directly, and any attempt to do so would violate the separation of powers and the autonomy of devolved units.

In their submission, CAF rejected the amendment and advised the Senate

to ensure that any constitutional or legislative reforms must respect the constitutional structure, avoid jurisdictional duplication, and uphold the autonomy and legitimacy of County Assemblies as the frontline oversight institutions in the devolved governance framework.

The Bill further seeks to repeal Article 110 to grant full legislative mandate to both Houses of parliament. The current state of affairs has caused confusion in the legislative role of Parliament and the various Court decisions have not made the matter any better. Under the proposal, the concurrence of the two Speakers on Bills will no longer be required, if the Bill becomes law.

But CAF raised the red flag over the proposal. They say that while the elimination of the Speaker's concurrence process under Article 110, while intended to reduce conflict, removes a crucial mechanism for resolving inter-chamber disputes.

“The introduction of a powerful bicameral veto over budgetary legislation, coupled with the Senate's expanded agenda, could easily paralyse the legislative process, especially during periods of political polarisation. Without a strong culture of cooperation and a mature political consensus on the values of devolution, the new constitutional framework could instead become a battleground, hindering the passage of critical legislation and undermining good governance.”

CAF appreciated the sponsors and proponents for their dedication in developing the Bill, noting that the proposed amendments are intended to enhance constitutional clarity, strengthen the role of the Senate, and promote a more balanced and effective bicameral legislative framework in line with the spirit of devolution.



1. Speaker Amason Kingi, Senator Eddy Oketch and other local leaders try out a jig during a Women empowerment engagement in Kesses Constituency, Uasin Gishu County.
2. Speaker Kingi shares a word with Senator Eddy Oketch during a rally at Murgor Primary School, Kesses Constituency, Uasin Gishu County, where they raised money for the Women empowerment programme.
3. Speaker Kingi cracks a joke with Senator Jackson Mandago during the Women empowerment rally in Kesses Constituency, Uasin Gishu County. Senator Eddy Oketch looks on.
4. Speaker Kingi is handed a walking stick by the Nandi Elders as a symbol of respect during an event in Kesses Constituency.
5. Speaker Amason Kingi is received by Homa Bay Town MP Peter Kaluma when he arrived for the fundraiser hosted by Mama Ida Odinga for the completion of a Library and a Research and Innovation Centre at Ogande Girls High School, Homa Bay County.
6. Speaker Kingi, Senator Eddy OKetch, Mama Ida Odinga and Education CS Julius Ogamba during the fundraiser at Ogande Girls High School, Homa Bay County.

LSK endorses Bill's intent



LSK President Faith Odhiambo and her team before the Committee.

The Law Society of Kenya (LSK) has supported the Constitution of Kenya (Amendment) Bill, 2025, saying it has the potential to resolve the long-standing jurisdictional disputes between the Houses of Parliament if implemented.

However, the Society has proposed that a provision relating to the establishment of the County Assembly Fund be deleted.

In its memorandum on the Bill, presented to the Senate, LSK President Faith Odhiambo acknowledged the Bill's laudable intention to strengthen devolution and cure legislative conflicts.

She specifically supported the move to repeal articles that have historically caused friction between the National Assembly and the Senate.

The MCAs go further to propose that the amendment should include a proposal that the expenditure estimates of County Assemblies shall not be less than 15 per cent of the total revenues of the county government.

The articles that define 'bills concerning counties' and 'money bills,' have been a persistent source of conflict, frustrating the smooth operation of bicameralism.

"Their removal will simplify legislative classification and is a critical step towards ending the gridlock that has undermined devolution."

However, LSK opposed the creation of a dedicated County Assembly Fund as envisioned in the proposed Article 199A, warning it could weaken accountability.

"While we support financial auton-



Members of the Justice Committee pose for a group picture with stakeholders from CRA, LSK and KLRC after they made presentation on the Bill.

omy, the proposed County Assembly Fund creates a dangerous oversight vacuum and undermines the separation of powers," cautioned Ms Odhiambo.

"The absence of express external oversight mechanisms means assemblies would be policing themselves, a situation inconsistent with constitutional principles of accountability. We propose that this clause be deleted or substantially revised to ensure that financial autonomy does not come at the expense of transparency."

The Bill expands the Senate legislative mandate by removing restrictions limiting the House to only county-related Bills. She said this will allow most Bills, except those raising national revenue, to originate in either House, which will promote a more balanced legislative

process.

The LSK also welcomed the proposal that seeks to empower the Senate to play an effective role in the budget making process, particularly in relation to allocation of revenue. She said this is critical to enhancing counties' fiscal autonomy and ensuring equitable development.

Ms Odhiambo also welcomed the proposal to strengthen parliament's role in legislation, representation and oversight, which includes expanding the Senate's oversight to include locally raised county revenues and state appointments.

Where the Bill gives the Senate the power to veto Bills passed by the National Assembly, the LSK proposed the inclusion of a mandatory mediation process, similar to the one in Article 113 before the veto can be exercised.

KLRC welcomes standard Parliamentary leadership



Members of the Committee on Justice and a delegation from County Assemblies Forum (CAF).

The Kenya Law Reform Commission (KLRC) has welcomed the Constitution of Kenya (Amendment) Bill, 2025 saying that some of the proposals that standardise Parliamentary leadership.

But the Commission also warned against attempts to repeal the 'Money Bill', arguing that it could lead to legislative gridlock.

In its memorandum to the Senate, KLRC chair Christine Agimba endorsed the proposed amendment to Article 108, which constitutionally entrenches the of-

fices of the Majority and Minority Leaders in the Senate.

"The Commission supports the move to formalise the Senate's leadership structure. This amendment standardises parliamentary protocol across both Houses, strengthens the Senate's institutional identity, and will improve procedural clarity during joint bicameral business, which is essential for an efficient legislature".

The Commission also supported the push to amend Article 96 of the Constitution which seeks to elevate the Senate

legislative mandate beyond its county-alone status.

Ms Agimba said this will result in stronger county revenue oversight, both allocated and raised.

KLRC also supported amendments to Article 109 by proposing deletion of default origination of Bills in the National Assembly, conditional participation of the Senate depending on whether it is a Bill concerning counties.

She told the Committee on Justice that the proposal reshapes Kenya's bicameralism from a differentiated model to co-equal model. She says this will resolve litigation-prone categorisation but risks increasing legislative process costs – time, negotiation mediation and demand.

"This greater parity enhances devolution guardianship on the one hand but it blurs the original bicameral bargain on the other, unless carefully delimited, risking duplication and turf contests over national scope laws."

She was cautious on the proposal to repeal Article 110 of the Constitution on the concurrence of the two Speaker before Bills are introduced.

She argues in her submission that if repealed, the amendment will remove the "county test" and locks Kenya into permanent dual-House passage of every Bill.

While this strengthens devolution, the

KLRC warns that this could slow governance if institutional coordination is weak.

"It is appreciated that in the light of the past litigation, Article 110 creates uncertainty on what counts as Bills concerning counties and how to distinguish between special and ordinary Bills.

KLRC warns that the ambiguity has led to inconsistent handing of legislation and even forum shopping between the two Houses, weakening coherence of the law-making process.

"Repealing Article 110 entirely would tilt the balance of bicameralism in favour of National Assembly, erode the Senate's oversight of county interests and weaken constitutional principle of devolution."

However, she raised alarm over the proposal to repeal Article 114, which defines and grants the National Assembly procedural priority over 'Money Bills'.

"We must caution against repealing Article 114 in its entirety," Ms Agimba told the Committee in her presentation.

"Doing so poses a serious risk of procedural gridlock and blurred accountability in public finance. This move is likely to undermine the fundamental 'Power of the Purse' principle, which traditionally grants the House most directly elected by the people control over taxation and expenditure".

CRA wants revenue shared on audited accounts



CRA Chairperson Mary Wanyonyi and her team when they appeared before the Justice Committee



From left, Senator Okiya Omtatah, Senator Crystal Asige, Senator Veronica Maina and Senator Wakili Sigei during the meeting with CRA.

The Commission on Revenue Allocation (CRA) has challenged Parliament to amend the Constitution so that the two levels of government can share national revenue based on the audited accounts as received by Parliament.

Article 203 of the Constitution requires that the sharing of the revenue be calculated based on the most recent audited accounts of revenue as received and approved by the National Assembly.

But in their comments on the Constitution of Kenya (Amendment) Bill, 2025, the Commission wants Parliament to amend the constitution and remove the mandatory requirement for the National Assembly to approve the audited accounts before sharing revenue.

“The aim is to ensure equitability in revenue sharing through use of recent accounts received as there are instances of delay by the National Assembly to approve the most recent audited accounts,” said the Commission in its submission on the Bill.

It has further recommended deletion of multiple clauses in the Bill, arguing that some of the proposed changes would create unnecessary bureaucracy and duplicate roles between the two houses of Parliament.

The Commission questioned the expansion of the Senate’s mandate. While not opposing every proposal, the Commission, through CEO CPA Roble Nuno, called for critical refinements to ensure clarity. One such area is the proposal to

have the Senate represent “special interests”.

“While the principle of representing special interests in the Senate is sound, the term itself is not defined in our Constitution. For this amendment to be functional and avoid ambiguity, we recommend that the phrase ‘special interests’ be clearly and exhaustively defined to ensure the intended representation is achieved.”

Similarly, the Commission took a stronger stance against clauses that would enjoin the Senate in the appointment and removal of heads of various independent offices and commissions, including the Controller of Budget and Auditor General.

“The Commission’s position is that

these clauses should be deleted,” Mr Nuno asserted, adding that involving both houses of Parliament in the approval process for the constitutional offices will create unnecessary bureaucracy and delay crucial appointments.”

It also recommended deleting the proposed County Assembly Fund, noting it has been “overtaken by events” following the recent enactment of a similar fund in a separate law.

CRA welcomed the Bill noting that it expands the mandate of the Senate in matters such as legislation, oversight and in the appointment of state officers such as the auditor general, the controller of Budget and the Commission chairperson

Watchdog Committee seeks to emulate Morocco oversight



Senator Godfrey Osotsi during a sitting of the CPIC

A section of Senators has identified Morocco's judicial-based audit system as a potential model for strengthening accountability and transparency in devolved governance.

A delegation of lawmakers, who are members of County Public Accounts Committee (CPIC) and which was led by Senator Godfrey Osotsi, met with senior officials of Morocco's Court of Accounts in Rabat, where discussions focused on strategies to tighten oversight of public resources.

The Court of Accounts, headed by the First President, is an independent constitutional office comparable to Kenya's Office of the Auditor-General but with wider powers.

Unlike Kenya's Westminster-based audit approach, Morocco's system operates under a judicial model that gives it the mandate to not only review financial records but also to prosecute cases of mismanagement and corruption.

"The Court of Accounts is independent, wields prosecutorial powers and operates on a budget free from executive or legislative control. This guarantees autonomy and effectiveness in holding

public officers accountable," said Senator Osotsi, after the meeting.

Kenya's Office of the Auditor-General, though constitutionally independent, does not have prosecutorial authority.

It relies on investigative and prosecutorial agencies such as the Ethics and Anti-Corruption Commission (EACC) and the Office of the Director of Public Prosecutions (ODPP) to act on its findings.

Morocco's approach of combining auditing with judicial enforcement provides a stronger deterrent against financial malpractice and ensures that public officials face direct consequences for mismanagement.

The meeting in Rabat marked the first stop in a week-long benchmarking tour by the Kenyan delegation.

The visit aims to strengthen Kenya's governance framework by learning from Morocco's institutional practices.

The Senate team is expected to focus on four key areas during the tour; among them infrastructure development across Morocco's 12 regional governments, the operations of the Audit Court, tourism and sports development and the efficien-

cy of Morocco's Parliament.

Senator Osotsi said that the lessons from Morocco would be instrumental in helping Kenya refine its oversight structures, particularly within devolved county governments that have frequently come under scrutiny for weak financial management.

"Strengthening oversight mechanisms is key to deepening accountability, ensuring prudent management of public resources and fostering trust in leadership," he said.

The lawmaker added that Morocco's experience has brought to light the importance of granting oversight institutions financial and operational independence, a factor that shields them from political interference.

Kenyan Senate, through its committees, has been keen on monitoring how counties spend their allocations but gaps remain in enforcing accountability.

Counties in Kenya have faced persistent audit queries, ranging from irregular procurement practices to unsupported expenditures.

These findings often stall at the reporting stage, with limited action taken

against culpable officials.

Morocco's model, by contrast, ensures that audit findings are followed through with legal consequences, giving the oversight process more weight and credibility.

The Kenyan delegation also held discussions with members of the Moroccan Senate with focus on parliamentary efficiency and the role of legislatures in promoting transparency.

Senator Osotsi said that Morocco's parliamentary framework provides valuable insights into how lawmakers can streamline operations, improve legislative scrutiny and enhance service delivery.

Adopting lessons from Morocco will not only strengthen Kenya's oversight institutions but also build greater public confidence in devolution, which remains central to equitable development.

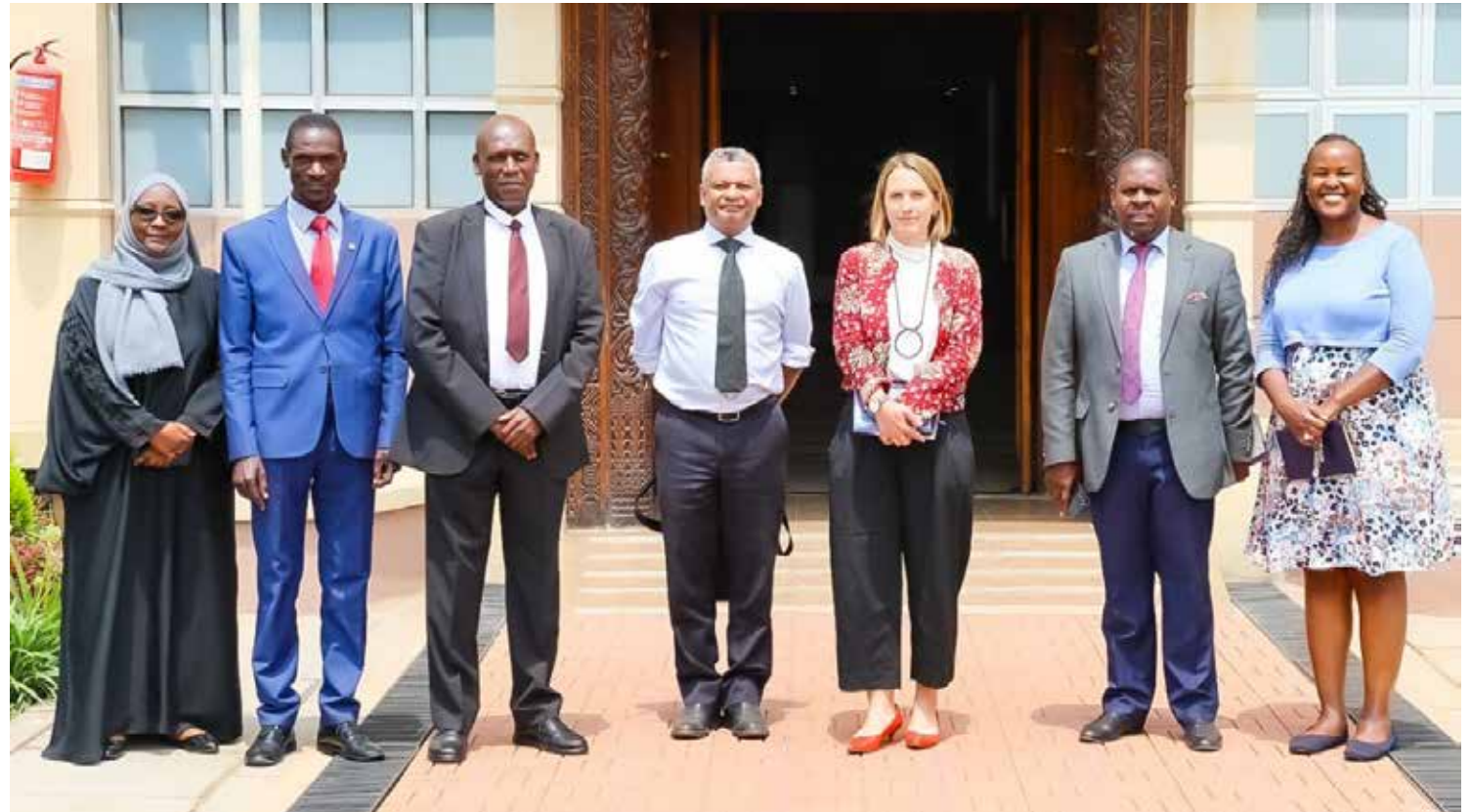
"This visit offers us a chance to rethink our approach to oversight. We want to ensure that devolution delivers on its promise of development and equity," he said



Dr Brighton Buchere, Director Senate Liaison Office (SLO) chairs the meeting with the delegation from the British High Commission after their tour of the Senate.



Dr Buchere and Ms Nerys Cross Smith, the new Political Counsellor at the British High Commission after she led a familiarisation tour of the Senate.



Dr Brighton Buchere (third left) and other Parliamentary Staff pose for a photo with the delegation from the British High Commission after the familiarisation tour of Senate. Others in the picture are Dr Brenda Ogembo (right), Deputy Director, Senate Liaison Office, Mr John Manyolo (second right), Ms Nerys Smith (third right), Mr Jinal Shah (centre), Mr Gilbert Ogola (second left) and Ms Fatuma Ruwange (far left) after the meeting.



Some of the Students who visited the Parliament Stand at the 2025 Mombasa International Show.



One of the students who acted as Speaker during the Mock Session of Senate at the Show follows proceedings.



The Speaker delivers a ruling to the House during a Mock sitting of Parliament at the 2025 Mombasa International ASK Show.

President hails Parliament's outreach



1. Speaker Amason Kingi leads Parliamentary staff in receiving President William Ruto when he toured the PSC Stand at the 2025 Mombasa ASK Show.

2. President William Ruto is taken around the PSC Stand at the Show.

3. President Ruto shares a light moment with Speaker Kingi.

4. President William Ruto and Speaker Kingi attend the proceedings of the Mock Parliament at the Mombasa ASK Show.

President William Ruto has praised Parliament for bringing its services closer to the people noting that it is the only way for the public to understand its role.

“Progressively, we are becoming a people-centric government at all levels. I am very happy that Parliament too is living up to this people-centred approach. By educating citizens on the roles of their

elected representatives—legislation, representation, and oversight—Parliament is directly connecting with Kenyans,” said President Ruto.

The Head of State made comments when he toured the Parliamentary Service Commission (PSC) Stand at the Mombasa ASK Show.

President Ruto was accompanied by Speaker Amason Kingi, Senator Wa-

home Wamatinga, who is also a PSC Commissioner, Mombasa Governor Abdulswamad Shariff Nassir and several Members of Parliament when he visited the Stand.

Mr Harrison Owino, Chairperson of the Taskforce on Parliamentary Outreach and Public Engagement, briefed the President on the digital transformation of Parliament.

“We have come a long way as a Parliament. Most of our information has been digitised and can now be accessed online, making it easier for citizens to engage with their representatives,” said Mr Owino.

The theme of this year’s ASK Show is: “Promoting Climate Smart Agriculture and Trade Initiatives for Sustainable Economic Growth.”

House cautions on Executive overreach



Senator Mwenda Gataya Mo Fire, chair Delegated Legislation and Senator Danson Mungatana, the vice chair, in one of the past sittings of the Committee.

Senators have warned Members of the Executive making legislation without parliamentary approval, warning that would be overstepping the delegated power donated to them by the House.

The Constitution has delegated powers to the Cabinet Secretaries and given them the authority to make regulations through a process of delegated legislation, as outlined in various Acts of Parliament.

The power, however, is not absolute and is subject to the limitations set by the parent Act, requiring the regulations to be consistent with the Constitution and to be laid before either House of Parliament for scrutiny to ensure they do not go beyond the delegated powers.

However, Senators are concerned that members of the Executive have, in complying with the requirements, acted outside their powers.

The warning came as the Senate debated and annulled the Environmental Management and Coordination (Strategic and Integrated Environmental Assessments and Environmental Audits) Regulations, 2025, citing flaws in the

process used to draft them.

The Committee on Delegated Legislation chaired by Senator Mwenda Gataya Mo Fire reported that the regulations had bypassed key requirements, including public participation and regulatory impact assessment.

“The power to make laws belongs to Parliament,” Senator Gataya told the House and added: “When Cabinet Secretaries purport to legislate without following procedure, they undermine the Constitution.”

Senator Boni Khalwale was particularly blunt, accusing the Cabinet Secretary for Environment of “impersonating Parliament”.

Citing Article 94 of the Constitution, which vests legislative authority in Parliament and forbids any other body from making laws with the force of statute.

“This is a constitutional issue. No Cabinet Secretary has authority to make laws. When they attempt to, it is null and void unless sanctioned by this House.”

The annulled regulations had sought to revise environmental audit standards but relied on public participation conducted seven years earlier, in 2018.

Senators said such outdated consultations could not be used to justify new legal instruments.

Senator Samson Cherarkey called the lapse “incorrigible incompetence,” arguing that governance in the post-2010 constitutional era required strict adherence to public participation.

“It is shocking and embarrassing that a Cabinet Secretary can present regulations based on consultations done when children now in primary school were not even born,” said Senator Cherarkey.

He said there is a need for a cultural shift in government accountability.

Senator Mohamed Faki echoed the concerns, noting that environmental practitioners had filed petitions against the regulations, claiming exclusion from the process.

“If the very professionals in the sector say they were ignored, then these regulations cannot stand,” he said.

The debate turned into a broader reflection on separation of powers with Senators warning against executive overreach.

“The Executive must remember that it only executes laws. It cannot create

them,” said Senator Danson Mungatana, while seconding the motion to annul.

“When Cabinet Secretaries fail to comply with constitutional requirements, it is our duty to stop them.”

Majority Leader Aaron Cheruiyot emphasised that Parliament must assert its independence against both executive dominance and public cynicism.

“We are not a conveyor belt. We are here to make decisions in the interest of Kenyans, whether in agreement or disagreement with the Executive,” he said.

The lawmakers noted that failure to respect Parliamentary authority risks judicial intervention, with courts frequently striking down laws and policies made without proper consultation.

“This House must be vigilant,” cautioned Senator Godfrey Osotsi. “There are many illegal regulations currently in force simply because they were never tested in Parliament. We must correct that.”

Deputy Speaker Kathuri said the House represents the people of Kenya and noted that any regulation that side-steps constitutional and statutory requirements will be rejected.

House to probe Samburu staff voided Allowances

Senator Lelegwe Ltumbesi has raised alarm over the cancellation of staff allowances in Samburu County, a move he says has demoralised public officers and undermined service delivery.

In a Statement to the House, Senator Lelegwe said several allowances due to county staff had been unilaterally voided by the county government, with no explanation given or legal justification.

“These allowances are not privileges. They are entitlements lawfully provided to staff. Cancelling them without due process is both unlawful and oppressive,” he argued.

The legislator wants the Committee



Senator Steven Lelegwe

on Finance and Budget to investigate the legality of the cancellations and establish whether affected staff could be compensated, arguing that the move has left workers struggling to make ends meet, further straining industrial relations in the devolved unit.

“This is a county where service delivery is already fragile. When staff are demoralised, the people of Samburu suffer even more,” he said.

Senator Joyce Korir described the move as an “attack on labour rights” that could set a dangerous precedent if unchallenged. Senator Okiya Omtatah said public officers cannot be punished

collectively for mismanagement by their superiors.

“You do not fix corruption by cancelling lawful benefits,” he noted.

Senator Samson Cherarkey called on the Senate to defend public servants against arbitrary treatment by governors. “We must remind counties that the Constitution protects the rights of workers,” he said.

Deputy Speaker Kathuri Murungi directed the Finance Committee to prioritise the inquiry and provide a comprehensive report to the House.

Senate intervenes in Nyamira water problems

The Senate has intervened in Nyamira County following the alarm over acute water shortages despite years of budgetary allocations and donor-funded projects.

Senator Okong’o Omogeni told the House that many households rely on unsafe sources because the county government has failed to provide piped water.

“This is a county with perennial rains yet people drink from rivers and ponds. It is a shameful failure of leadership,” he said.

He asked the Committee on Land, Environment and Natural Resources to in-

vestigate the expenditure of money allocated for water projects in the past five years and why residents still lack clean water.

“Billions have been pumped into water programmes nationally and at county level. Where did the money go?” Senator Omogeni questioned.

Senator Mohamed Faki said the problem of water scarcity is not unique to Nyamira County but is widespread across Kenya.

“Water is a constitutional right under Article 43. Counties must stop treating it as a luxury,” said the Senator.

Senator Okiya Omtatah urged the Senate to demand an audit of all stalled or incomplete water projects.

“We keep hearing of boreholes that exist only on paper. This must end,” he said.

Senator Joyce Korir added that failure to provide water disproportionately affects women and children who often trek long distances in search of it.

Senator Kathuri Murungi agreed with the sentiment noting that the provision of clean drinking water remains one of the biggest tests of devolution.



Senator Okong'o Omogeni

Wangazija Community to be recognised

Deputy Speaker Kathuri Murungi had directed the Committee on National Cohesion, Equal Opportunity and Regional Integration to work with the Office of the Attorney General to determine a pathway for the formal recognition of the Wangazija Community.

Wangazija is a marginalised community in Mombasa County. It is a Swahili term referring to the Comorian people, particularly in the context of the Comoros Islands. It is sometimes used to describe the Comorian community in Kenya.

The term can distinguish between those of Comorian heritage and those of Comorian origin who have been integrated into the culture or community through other means, like marriage or residency.

They migrated first to Zanzibar and then on to mainland East Africa in search of employment.

The Deputy Speaker issued the directive after Senators rallied behind the call to recognise the Community saying they



Senator Mohamed Faki and Senator Joyce Korir

have for decades been denied identity and opportunities.

The matter was brought to the House by Senator Mohamed Faki. He said the Wangazija people remain unrecognised in official government records despite being indigenous to the Coast region.

“This community has been rendered invisible. They cannot access education bursaries, government jobs or even basic services because they are not listed

among Kenya’s ethnic groups,” he told the House.

He challenged the Committee to investigate why the community has been excluded from recognition.

“The Constitution speaks of inclusivity and protection of minorities. The Wangazija have a right to exist and to thrive,” Senator Faki said.

Senators expressed outrage at the marginalisation, with Senator Edwin Sifuna describing it as “state-sanctioned

discrimination”.

Senator Okiya Omtatah said Kenya’s diversity is its strength and no community should be erased from national identity.

“This is not just about recognition. It is about dignity and belonging,” said Senator Omtatah.

Senator Joyce Korir added that marginalisation of smaller communities’ risks fueling resentment and undermining national cohesion.



Committee probes use of irrigation levy

The Committee on Agriculture is investigating complaints by Mwea rice farmers who accuse the government of misusing millions of shillings collected as irrigation levies while farm roads and infrastructure remain neglected.

Senator James Murango said farmers pay between Sh20 million and Sh30 million annually to the National Irrigation Authority (NIA) but see little improvement in their farming conditions.

“The roads leading to rice paddies are impassable, canals are clogged and farmers are left to fend for themselves,” Senator Murango told the House in his complaint.

He wants the Committee to demand a



Senator James Murango

full account of how the funds collected from farmers are utilised each year. The levies were meant to maintain irrigation canals, repair roads and support extension services, yet farmers remain frustrated by poor services.

“This is exploitation of hardworking farmers who feed the nation,” said the Senator.

Senator Okiya Omtatah said the irrigation levy amounts to “double taxation” since farmers already contribute through other taxes.

Senator Samson Cherarkey demanded that the Agriculture Ministry explain why Mwea continues to face infrastructural neglect despite being Kenya’s rice

basket.

“The government celebrates Mwea during harvest but forgets them the rest of the year,” he said.

Senators urged the committee to summon the Irrigation Authority and Kirinyaga County officials to account for the funds.

Senator Murango warned that unless accountability is enforced, rice farming in Mwea could collapse, a move he warned risked leading the country to heavy reliance on imports.

Deputy Speaker Kathuri Murungi directed the Committee to expedite the probe, saying the livelihoods of thousands of families is at stake.

Alarm over pedestrian safety at Kabati Market

The House has sounded the alarm over pedestrian safety at Kabati Market in Murang’a County after revelations that the busy Thika Super-highway stretch lacks safe pedestrian crossing infrastructure.

In a Statement sought by Senator Tabitha Mutinda, the House was told that Kabati Market, a bustling commercial hub, has become an accident hotspot because of the absence of speed bumps, footbridges or designated pedestrian crossings.

“Thousands of residents, traders, farmers and schoolchildren use this section of the highway daily, yet no provisions have been made for their safety,” Senator Mutinda said.

She noted that the market’s strategic location between Nairobi and Central Kenya has increased vehicular and hu-

man traffic, worsening the risks.

“Accidents are frequent and unless urgent measures are taken, lives will continue to be lost,” she warned.

The Senator asked the Committee on Roads, Transport and Housing to investigate why the Government has failed to put in place safety structures despite repeated accidents.

Specifically, she demanded data on the number of accidents since 2023, reasons for inaction and timelines for construction of a pedestrian footbridge or alternative crossing mechanisms.

Senator Mutinda stressed that school children and the elderly were the most vulnerable, adding that “we cannot continue burying innocent Kenyans because of simple infrastructural gaps”.

The Statement sparked a debate among lawmakers, with Senators calling



Senator Tabitha Mutinda and Senator Seki ole Lenku

on the Ministry of Roads and Transport to prioritise pedestrian safety in all major highways.

Senator Samson Cherarkey said it was disturbing that busy towns and markets along highways were developed without safety planning.

“You can build a superhighway, but if pedestrians cannot cross safely, then it is a death trap,” he said.

Senator Okiya Omtatah observed that similar challenges exist in his county, where highways cut through market centres without consideration for pedestrian safety.

“The Ministry must develop a comprehensive plan, not piecemeal fixes after accidents,” he said.

Senators further criticised delays in erecting footbridges, saying many projects launched years ago remain incomplete. “We must hold the contractors accountable,” Senator Mutinda added.

Senators urged the Ministry to act decisively, with some suggesting that funding for new projects should be tied to inclusion of pedestrian facilities.

“This is about human dignity,” said Senator Beatrice Ogola and added: “We cannot prioritise vehicles over lives.”

House probes Taita stalled projects

risk. Some ambulances have mechanical problems, others have questionable procurement histories and none are serving the public effectively,” he said.

He demanded that the Committee on Health furnish details of all ambulances in the county, including their logbooks, purchase costs, shipment documents and operational bases.

“This is not just about broken vehicles. It is about accountability. Did we pay for working ambulances or for scrap metal?” he posed.

The Senator also questioned whether the ambulances were distributed fairly across health facilities or if they were concentrated in select areas, disadvantaging rural populations.

In addition to health, the Senator raised concern over the fate of a multi-million-shilling water drilling rig purchased by the county government but allegedly underutilised or mismanaged.

“The rig was meant to solve the county’s water scarcity by drilling boreholes, but to date, residents continue to trek

long distances for water,” he said.

He asked the Committee on Land, Environment and Natural Resources to investigate the procurement details, including supplier records, shipment costs and the number of boreholes drilled since acquisition.

Senators said the matter reflected wider governance challenges in counties, where expensive equipment often disappears, breaks down prematurely or is misapplied.

“What we are seeing in Taita-Taveta is not unique. It is a mirror of how counties mismanage resources at the expense of ordinary wananchi,” observed Senator Joyce Korir.

Senator Mohamed Faki supported the call for investigations, saying water scarcity in arid counties could not be addressed if expensive rigs were left idle or mismanaged.

Senator Mwaruma further raised alarm over a land ownership dispute in Maungu, Voi Sub-County, where title deeds were issued illegally, potentially displacing over 4,000 residents.

He said parcels Nos. 3101 to 3129 had been irregularly included in the Maungu-Buguta Settlement Scheme, despite falling outside the scheme’s designated area.

“The illegal issuance of title deeds in contravention of professional advice is a recipe for conflict,” he warned, even as he challenged the Committee to probe the Taita-Taveta Land Registrar’s role in the saga and determine whether disciplinary or legal action should be taken.

Deputy Speaker Kathuri Murungi directed that all three Statements be referred to the respective committees, noting that land, health and water were critical devolved functions.

Senators across the House backed the interventions, with some saying the Taita-Taveta cases highlighted the urgent need for Parliament to strengthen oversight mechanisms at the county level.

“The time has come for us to be more aggressive in demanding accountability from governors,” said Senator Boni Khalwale.



Senator Johnes Mwaruma

The Senate has opened fresh investigations into the state of ambulance services and stalled water projects in Taita-Taveta County after Senator Johnes Mwaruma raised the alarm over collapsing essential services in the devolved unit.

Senator Mwaruma told the House that residents were being denied critical healthcare because ambulances purchased by the county government were either grounded, poorly maintained or dubiously acquired.

“The people of Taita-Taveta are at

Senators concern over state of mental health facilities

The House has raised concern over the neglect of mental health institutions in Kenya following revelations that dilapidated facilities are putting patients and staff at risk.

Senator Edwin Sifuna, in a Statement to the House, cited a tragic case where a patient murdered another in a psychiatric facility, exposing the dangers of overcrowding, understaffing and poor infrastructure.

Key psychiatric facilities in Kenya include Mathari National Teaching and Referral Hospital, the national referral hospital for psychiatry.

Other major hospitals with mental health services are Kenyatta National Hospital, Moi Teaching and Referral Hospital and the Kenyatta University Teaching, Referral and Research Hospital.

All the County referral hospitals have their mental health units and senators say their state is deplorable.

“This is a ticking time bomb. Mental health facilities are forgotten yet they hold some of our most vulnerable citizens,” the Senator told the House in a Statement.

He called on the Committee on Health



Senator Edwin Sifuna

to investigate the state of all psychiatric institutions and recommend urgent reforms.

According to the Senator, mental

health facilities are chronically underfunded, with many operating in inhumane conditions. “Patients are locked up in facilities that resemble prisons rather

than hospitals. This is not treatment. It is neglect.”

Senator Okiya Omtatah supported the call, saying mental health is still treated as a side issue in Kenya despite growing cases of depression and psychiatric disorders within the population.

“We cannot talk about universal health coverage while ignoring mental health,” he said.

Senator Samson Cherarkey urged the Ministry of Health to prioritise funding and staffing of psychiatric hospitals, noting that the Mathari Hospital in Nairobi has long been overwhelmed.

Senators also raised concern over the safety of staff working in poorly equipped institutions.

“Doctors and nurses are exposed to violent attacks because the system has failed them,” observed Senator Joyce Korir.

The Committee is expected to conduct a nationwide audit of psychiatric institutions with findings to guide policy and budgetary reforms.

Deputy Speaker Kathuri Murungi emphasised that mental health must be mainstreamed into the national health agenda.

This week in History – September 8, 2014 .

Election Offences Bill, 2016 passed by the House



Majority Leader Kithure Kindiki

Majority Leader Kithure Kindiki moved the debate on The Election Offences Bill, 2016). The Bill was one of the two Bills that were heavily and extensively negotiated as a result of extraordinary events that happened regarding political differences on the issue of the composition of the Independent Electoral and Boundaries Commission (IEBC). As a result, the House passed the Motion to establish a select Committee, which was a Joint Select Committee of both Houses of Parliament. The Committee brought a report that was approved unanimously by the House. The Bill consolidates the election related offences. “The Committee found that election laws are scattered all over in various pieces of legislation. Therefore, there was need to put all the laws related to elections in one statute. Secondly, those offences needed to be updated to remove some of the antiquated offences that have existed in our statute books for a long time and do not have a lot of meaning in present day terminology and electoral processes.” The offences include printing, processing or otherwise making a document purporting to be a register. In other words, the making of illegal and unlawful registers is an offence. Aiding and abetting someone to make such illegal registers is also an offence and so is giving false statement that finds its way into the election register when somebody is applying to be registered as a voter.



Senator Daniel Karaba said:

“We are discussing a very important Bill. In other countries, the proceedings on this Bill would have been covered live and people would be commenting as we speak. As we discuss this Bill, election fever is already on and campaigns have started. If one commits some of these electoral offences, he or she should be reprimanded. However, despite talking about these offences, over the years no one has been prosecuted for the same. Therefore, it would be important if people who commit election offences are prosecuted. It should also be clarified when the time for campaigns starts and ends. Nobody should talk about elections before the appropriate time. As I speak, some choppers are flying in some of the counties with aspirants pleading with people for support. Election fever has already started. Can we stop those movements and maneuvers, so that the aspirants are told in no uncertain terms that the campaign period is yet to come?”



Senator Mutula Kilonzo Jnr said:

“I am extremely happy with Clause 19; aiding and abetting of offences. For those who have any doubt, this is not the national Government; it is also county governments. Therefore, all those ward administrators, village elders and village administrators who purport, pretend or imagine that they will participate in an election for purposes of entrenching existing public officials, including governors and others, will have a rude shock. They will be liable for a penalty and conviction not exceeding Kshs1 million. I do not want to belabor the point. The Election Offences Bill was there before. I am not sure about the wisdom of removing it from the law in the last general elections, but this is the way to sanitize the elections in Kenya.”



Senator Amos Wako said:

“There are just a few cases where the Committee recommended and increased penalty. One of these areas relate to offences of the register of voters where the existing penalty is a fine not exceeding Sh100,000 or imprisonment not exceeding one year or both. That has been increased and rightly so, from Sh100,000 to Sh2 million. It says a fine not exceeding Sh2 million and imprisonment not exceeding six years, or both. The other area where they have increased the penalty are the offences relating to multiple registration as a voter. Whereas currently the penalty is Sh100,000 or imprisonment not exceeding one year or both, that has been increased to Sh1 million. The most critical area and this is because our elections have sometimes been marred by violence and so on, is increase in the penalties relating to the use of force or violence during the election period. Under the existing legislation, the penalty is Sh1million or five years or both, it has now been increased to a fine not exceeding Sh2 million or imprisonment not exceeding six years or both.”



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Email: Senate.weekly@parliament.go.ke

Editor: Ibrahim Oruko

Team Leader: Lucianne Limo

Writers

- Otiato Andayi
- Njeri Manga
- Josphat Ngeno
- Derick Luvega
- Stanley Gikore
- Nandemu Barasa

- Juliet Masinde
- Violet Nalianya
- Lemeteki Lorinyu
- Kevin Lomenen

Hansard: Erick Kipkoech

Photographers:

- James Kimiti Nyambura
- Job Owaga
- Russells Kipngetich
- Alex Fondo

Designed by:

KENYA LITERATURE BUREAU

Publishers and Printers

Belle-Vue Area, KLB Road, Off Popo Road

P. O. Box 30022-00100, GPO Nairobi,

Telephone: +254 (20) 3541196/7,

Mobile: +254 711 318 188/ +254 732 344 599

Email: info@klb.co.ke

Website: www.klb.co.ke