

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Tuesday, 8th October, 2024****Special Sitting**

*(Convened via Kenya Gazette Notice
No.13167 of 7th October, 2024)*

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

**DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING**

The Speaker (Hon. Kingi): Clerk, do we have quorum?

(The Clerk-at-the-Table consulted with the Speaker)

Serjeant-at-Arms, kindly ring the quorum bell for 10 minutes.

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Order, hon. Senators. Kindly proceed to take your seats. We have a quorum now. We proceed with today's business.

Clerk, you may now call the first Order.

Senate Minority Leader, Sen. Madzayo, kindly take your seat.

**MESSAGE FROM KERICHO
COUNTY ASSEMBLY**

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

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Hon. Senators, I wish to report to the Senate that I have, pursuant to Standing Order 48 No.(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, the 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 No.74 of the County Assembly of Kericho.

Hon. Senators, I did, *vide Kenya Gazette No. 13167 Vol. CXXVI – No. 154*, appoint today, Tuesday, 8th October 2024 at 2.30 p.m. as the Sitting convened for the purpose of hearing the charges in the matter of the proposed removal from office, by impeachment, of Hon. (Dr.) Erick Kipkoech Mutai, the Governor of Kericho County.

The Message by the Speaker of the County Assembly of Kericho was conveyed to the Speaker of the Senate *vide* a letter dated Wednesday 2nd October, 2024, signed by the Speaker of the County Assembly of Kericho and received in my office on the same date and listed the following grounds of impeachment against the Governor---

Sen. Oburu, you may walk in and take your seat before we proceed.

(Sen. (Dr.) Oburu walked into the Chamber)

(Applause)

(1) Gross Violation of the Constitution and other laws

Allegation I: Misappropriation, Misallocation and Illegal Drawings of County Revenue and County Finances. The particulars of this allegation are that-

(a) the governor has 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 and the provisions of the Kericho County Rating Act, No.5 of 2019 by;

(i) Presiding over an administration which has deliberately refused, failed, neglected and omitted to automate revenue collection, thus opening up the County's own-source revenue to pilferage, misappropriation and theft;

(ii) Frustrating the award of the tender for the procurement of the Integrated County Revenue Management System made on 14th December, 2023 by the county government, despite the tender being responsive;

(iii) Presiding over an administration that has totally disregarded the valuation roll was prepared and passed by the County Assembly in 2016 pursuant to the Valuation and Rating Act thus the County continues to collect property rates under the old Valuation Roll occasioning the county's substantial revenue losses;

(iv) Presiding over a broken public finance management system, which has made the County Treasury ineffective in total violation of the provisions of Section 104 of the Public Finance Management Act; and,

(v) Exhibiting an opulent lifestyle since he was elected where his wealth has grown exponentially to an extent that he can afford to contribute up to Kshs1 million in a single harambee.

Hon. Senators, you may walk and take your seats.

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(Several Senators walked into the Chamber)

(b) On or about 31st August, 2023, the governor launched a programme dubbed: “*Equalizer Kazi Mtaani Initiative*” drawing county funds towards the initiative without legislation to anchor the initiative. Further, the initiative was not subjected to public participation nor prior approval by the County Assembly and the Controller of Budget.

(c) The governor has been coercing the current and former Chief Executive Committee members (CECM) to make financial allocations for governor’s own use from the funds allocated to their respective departments and which funds they were required to remit through the governor’s personal assistants.

(d) The governor violated Articles 201(a), (d), (e) of the Constitution of Kenya, on principles of public finance management and Article 226 as read with Article 227 of the Constitution by presiding over glaring irregularities evidenced by-

- (i) irregular award of contracts and evasion of accountability;
- (ii) wilfully interfering in the procurement processes and the award of tenders;
- (iii) skewed tender awards to various contractors at an inflated rate and in collusion with fraudulent contractors and suppliers;
- (iv) irregular implementation of various programmes in the County; and,
- (v) intentionally and negligently presiding over massive theft of county public funds as evidenced by the Auditor-General’s Report for the Financial Year ended 30th June, 2023 which raised red flags over various projects.

(e) The governor misused funds from the county emergency fund to compensate the victims of Londiani accident to cover up for the funds raised by the public for the victims and misappropriated by a committee he had formed to steer the fund drive.

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

The particulars of this allegation are that the Governor on various dates between 4th and 9th 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 victims of the horrendous Londiani junction accident tragedy in which over Kshs9 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.

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(2) Abuse of Office

Allegation I: Illegal appointments, unlawful dismissal and transfers, and usurpation of the Constitutions 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) illegally appointing one Mrs. Alice Bett (now Judge of the High Court) as the County Attorney when there was a substantive office holder, an act which the Employment and Labour Relations Court (Hon. Lady Justice Wasilla) affirmed was irregular, unprocedural and unlawful in *Sang vs. Governor Kericho County & 2 others (Petition E001 of 202)* and the governor's actions were found to be illegal and unconstitutional and ordered to pay costs of Kshs2,000,000 and costs personally;

(ii) causing the advertisement of the positions of doctors, nurses and Early Childhood Education (ECDE) teachers to endear himself politically when he knew the county government did not have the capacity to hire. The applicants were subsequently not shortlisted nor were the alleged vacancies filled up;

(iii) illegally deploying health staff *vide* the Notice dated 22nd July, 2024, without any justification, authority and involvement of the County Service Board thus creating a crisis in the county health sector; and,

(iv) illegally appointing Mr. George Kipng'eno Kirer as the Chief Officer for Finance and forwarding his name to the County Assembly for vetting and approval when there was a substantive office holder in the name of Ms. Jackline C. Langat and vacancy had not arisen.

Hon. Senators, you may walk in and take your seats.

(Several Senators walked into the Chamber)

Allegation II: Subversion, discrediting and impeding of the oversight role of the County Assembly.

(Sen. Shakila Abdalla consulted loudly)

Sen. Shakila, kindly be attentive.

The particulars of this allegation are that the Governor on 3rd 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

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Constitution and Sections 29 and 34 of the Leadership and Integrity Act, by doing the following-

(i) publicly disparaging, demeaning and undermining Mr. Marwa from Londiani and threatening to use the services of the police officer assigned to him to manhandle Mr. Marwa;

(ii) openly vilifying, slighting and berating Hon. Amos Birir, a Member of the County Assembly of Kericho, and describing him as "mentally blind" and "stupid";

(iii) spitefully referring to the *Ad-hoc* Committee of the County Assembly on the Londiani Accident as "the funeral committee";

(iv) leading a mob to tear down the fence of and invade a privately owned land in Kericho town, illegally designating the subject land as a dumpsite operated by the County Government without requisite gazettement and without the consent and approval of the registered proprietor, the National Environment Management Authority (NEMA);

(v) disregarding and obstructing the enforcement of a court order issued by the Environment and Land Court (ELC) in Kericho in ELC Petition No. E001 of 2022;

(vi) engaging in indecent and unnatural sexual behaviour and forcing females to engage in unconsented anal sex, dangerous and unprotected sex;

(Several Senators consulted loudly)

Order, hon. Senators.

(vii) persistently intimidating, molesting and harassing county officers who do not sing to his tune---

(Sen. Cherarkey laughed)

Order, Senator for Nandi County, this is not a laughing matter.

And persistently intimidating, molesting and harassing county officers who do not sing to his tune, thereby creating an atmosphere of fear, uncertainty and despondency in the county;

(viii) persistently using divisive and unbecoming language, which undermines the office he holds;

(ix) drawing hefty allowances and a salary while failing to diligently report to work, to the detriment of the discharge of his mandate and the performance of his functions as a governor; and,

(x) bringing dishonour and disrepute to the office of the governor through the actions stated above.

Hon. Senators, annexed to the letter conveying the decision of the County Assembly were the following documents-

(i) Copy of approved Notice of Motion dated 23rd September, 2024 laid on the Table of the Assembly on Tuesday, 24th September, 2024 (Morning sitting);

(ii) Copy of Exhibits - laid on the Table of the Assembly on Tuesday, 24th September, 2024 (Morning sitting);

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(iii) Order Papers for the Assembly Sittings of Tuesday, 24th September, 2024 (Morning Sitting) and Wednesday, 2nd October, 2024 (Morning sitting);

(iv) Certified Hansard Reports for the Assembly Sittings of Tuesday, 24th September, 2024 (Morning Sitting) and Wednesday, 2nd October, 2024 (Morning sitting);

(v) Copy of letters dated 24th and 30th September, 2024, Reference numbers *KCA/SP/3 Vol 1 (31)* and *KCA/SP/3 Vol 1 (33)*, respectively, inviting the Governor of Kericho to respond to the tabled impeachment Motion.

(vi) Copy of Affidavit of Service by Ms. Sharon Chepng'etich Mibey serving H. E. 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 behalf of the Speaker County Assembly of Kericho;

(vii) Certified copy of a form of the verification of signatures for Members in support of the Motion for removal of the Kericho County Governor by impeachment dated 2nd October, 2024, made pursuant to Standing Order 74 (5) of the County Assembly of Kericho;

(viii) Certified copy of the Roll Call Vote on the Motion for the impeachment of His Excellency the Governor of Kericho County, held during the Assembly sitting of Wednesday, 2nd October, 2024;

(ix) An Affidavit of 16 Honourable Members who refused to attend or participate in the impeachment proceedings on 2nd October, 2024 or any other date; and,

(x) Documents tabled during the debate on the Motion for removal of the Governor of Kericho County by impeachment.

These are:

(a) Invitation to Tender dated 14th December, 2023.

(b) A bundle of appointment of the Tendering Committee, tender opening records and Tender Evaluation Report.

(c) Kericho County Revenue Administration and Management Act, 2019.

(d) Kericho County Rating Act, 2019.

(e) Kericho County Finance Act, 2023.

(f) A bundle of single business permits and business invoices.

(g) *Ad-hoc* Committee Report on Kazi Mtaani Project.

(h) Report of the Auditor-General on Receiver of the Revenue Statement for the year ended 30th June, 2023.

(i) Kericho County Revenue Streams *vis-à-vis* performance as of 30th April 2024.

(j) Londiani Accident *Ad-hoc* Committee Report on Investigations of the Londiani Victims Fundraiser held on 4th July, 2023.

(k) Replying Affidavit sworn by Mr. Gideon Mutai in High Court Petition No. E014 of 2023.

(l) Judgment of the Court in Kericho ELRC Petition No. E001 of 2023 - Sang vs. Governor, Kericho County & Others.

(m) Bundle of letters from the governor to the Speaker dated 20th August 2024 and Speaker's response dated 3rd September, 2024.

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(n) Bundle of Advertisement of Vacancies by Kericho County Public Service Board and a letter from the Governor to the Speaker of Kericho County Assembly dated 27th May, 2024.

(o) Affidavit in Support of the Motion Sworn by Mr. Josiah Kiplangat Kogo on 23rd September, 2024 and the Annexures, including a bundle of photographs and judgment of the court in Kericho ELC Petition No. E001 of 2022.

(p) Affidavit in support of the Motion sworn by Mr. Erick Koech on 23rd September, 2024 and the *Annexures* thereto including an M-pesa statement.

(q) Two flash discs each containing eight video clips in a sealed white A5-size envelope marked KCAV Exhibit 1 - Exhibit eight.

(r) Affidavit in support of the Motion sworn by Kericho daughter (KD), not her real name.

(xi) Evidence of Public Participation-

(a) Extract of *The Standard* and *Nation Newspaper* advertisements for public participation on the Notice of Motion for the removal of Hon. (Dr.) Erick Kipkoech Mutai, the Governor of the Kericho County, by Impeachment.

(b) Links to Facebook -<https://www.facebook.com/KerichoAssembly> and website - <https://kerichoassembly.go.ke/notice-proposed-motion-impeachment>

(c) Memorandum/submissions received in response to Notice of Motion for removal of Hon. (Dr.) Erick Mutai as Governor of Kericho County, as well as public mobilization by the county executive.

(d) Scanned copy of the memorandum in an accompanying flash disk.

(e) Copy of letter dated 25th September, 2024 of reference number KCA/SP/3 Vol 1 (32) informing the Governor of the public participation exercise.

(f) Register for collection of compact discs by MCA's personnel that had information relating to the Notice of Motion for impeachment of H. E. the Governor, Hon. (Dr.) Erick Kipkoech Mutai.

(g) Public participation forms from the respective wards.

(xii) Soft copy of the Kericho County Standing Orders, contained in the accompanying flash disk.

(xiii) Statement of H. E. the Governor, Hon. (Dr.) Erick Kipkoech Mutai opposing the impeachment of the governor by his Counsel Katwa Kigen.

(xiv) Affidavit by Mr. Gideon Mutai.

(xv) Affidavit by Mr. Geoffrey Kipkirui Korir.

(xvi) Affidavit by Mr. John Malel.

(xvii) Affidavit by Mr. George Kipngeno Kirer.

(xviii) Affidavit by Ms. Jackline C. Langat.

(xix) Affidavit by Ms. Gillian Soi.

(xx) Affidavit by Mr. Joseph K Rotich.

Hon. Senators, in terms of the way forward following the reading of the charges against the Governor, Standing Order No.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-

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(a) by Resolution, appoint a Special Committee comprising 11 of its members to investigate the matter; or

(b) investigate the matter in plenary.

To this end, the Senator for Nairobi City County, Sen. Edwin Sifuna, MP, at an appointed time during this sitting, will give a Notice of Motion and move a Motion for the establishment of a Special Committee as indicated in Order No. 9 in today's Supplementary Order Paper.

Should this Motion be carried, the Special Committee will be required, under Section 33(4) of the County Governments Act and Standing Order No.80(2) of the Senate, to investigate the matter and report to the Senate within 10 days on whether it finds any of 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 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.

Hon. Senators, I wish to emphasize to all hon. Senators 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 hon. Senators to desist 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 No. 99.

Therefore, it shall be out of order, within the meaning of Standing Order No.122, for any Senator to make comments, whether written or spoken, in relation to the conduct of the governor or the impeachment process, which is outside the confines of the impeachment proceedings, as such comments may prejudice the just outcome of the process.

Hon. Senators, during this 13th Parliament, the Senate has dealt with five impeachments, two of which were considered by a Special Committee, while the other three were investigated in Plenary.

Notably, this is the second governor proposed to be impeached during the current term of Parliament. It is important that we draw on the best practices from previous impeachments 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 honorable Senators to exercise the highest level of responsibility on this matter.

I thank you.

Next Order.

(Several Senators walked into the Chamber)

Hon. Senators, kindly take your seat. Sen. M. Kajwang', take your seat.

PETITION

INTRODUCTION OF A FRAMEWORK FOR RECALLING NOMINATED MCAS

The Speaker (Hon. Kingi): Hon. Senators, I hereby report to the Senate that a Petition has been submitted, through the Clerk by Mr. Laban Omusundi, regarding the matter of recalling nominated MCAs of county assemblies.

As you are aware, under Article 119(1) of the Constitution, and I quote-

“Every person has the right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

Hon. Senators, the salient issues raised in the said Petition are as follows-

THAT, there exists laws and frameworks for recalling, impeaching or removing political leaders from their respective constitutional offices.

THAT, such provisions do not apply to nominated members of county assemblies.

THAT, while elected MCAs may be recalled by their respective constituents, there is no structure in place for the youth or Persons with Disability (PwD) to recall nominated members.

The petitioner, therefore, prays that the Senate amend the County Governments Act to provide a framework for recalling nominated members of county assembly through public initiative.

Hon. Senators, pursuant to Standing Order No. 238(1), I commit the Petition to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration. In terms of Standing Order No. 238(2)(a), the Committee is required in not more than 60 calendar days from the time of reading this prayer, which is today, to table its report in the Senate for consideration. The Senate shall thereafter consider the report of the Committee.

I thank you.

*(The Petition was committed to the Standing Committee on
Justice, Legal Affairs and Human Rights)*

Next Order.

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PAPERS LAID

The Speaker (Hon. Kingi): Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Papers on the table of the Senate today, Tuesday, 8th October, 2023-

NATIONAL TREASURY REPORT ON PUBLIC
DEBT MANAGEMENT FOR FY 2023/2024

Report of the National Treasury and Economic Planning, the Annual Public Debt Management for the Financial Year 2023/2024.

REPORT OF COB ON THE ANNUAL NATIONAL GOVERNMENT
BUDGET IMPLEMENTATION REVIEW FOR FY 2023/2024

Report of the Controller of Budget on the Annual National Government Budget Implementation Review for Financial Year 2023/2024.

(Sen. Cheruiyot laid the documents on the Table)

The Speaker (Hon. Kingi): Chairperson, Standing Committee on Finance and Budget.

Sen. Ali Roba: Thank you very much, Mr. Speaker, Sir. I beg to lay the following Paper on the table of the Senate today, 8th October, 2024-

REPORT ON CONSIDERATION OF NATIONAL ASSEMBLY
AMENDMENTS TO THE COUNTY GOVERNMENTS ADDITIONAL
ALLOCATIONS BILL (SENATE BILLS NO.19 OF 2024)

Report of the Standing Committee on Finance and Budget on its consideration of National Assembly Amendments to County Government Additional Allocation Bill (Senate Bill No.19 of 2024).

(Sen. Ali Roba laid the document on the Table)

The Speaker (Hon. Kingi): The Chairperson Standing Committee on Education. Sen. Joe Nyutu, proceed.

REPORTS ON PETITION ON DISCRIMINATION IN PAYMENT OF
HARDSHIP AND ENHANCED HOUSE ALLOWANCE TO TEACHERS
IN KILIFI AND TAITA TAVETA COUNTIES

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Sen. Joe Nyutu: Mr. Speaker, Sir, I beg to lay the following Petitions' report on the Table of the Senate, today, 8th October, 2024-

1. Report of the Standing Committee on Education on a Petition to the Senate regarding the discrimination by the Teachers Service Commission (TSC) on payment of hardship allowance and enhanced house allowance to some teachers in Kilifi County.

2. Report of the Standing Committee on Education on a Petition to the Senate regarding the discrimination by TSC on payment of hardship allowance and enhanced house allowance to some teachers in Taita Taveta County.

I thank you.

(Sen. Joe Nyutu laid the documents on the Table)

(Sen. Oketch Gicheru spoke loudly)

The Speaker (Hon. Kingi): Order, hon. Senators. Sen. Eddy, you are seated next to a senior. Certainly, you ought to draw good manners.

COMMUNICATION FROM THE CHAIR

SUBSTANTIATION OF ALLEGATIONS BY SEN. CHUTE

The Speaker (Hon. Kingi): Before I allow the Clerk to call the next Order, I will call Sen. Mohamed Chute to proceed to substantiate the allegation he made on Tuesday, 1st October, 2024, by claiming that Mr. David Kibet Kimei, a nominee for appointment to the position of the Director General of the Competition Authority of Kenya had not been cleared by the Ethics and the Anti-Corruption Commission (EACC).

You may proceed, Sen. Chute, to substantiate.

Sen. Chute: Mr. Speaker, Sir, what was the issue because I was not asked to substantiate anything. I am not aware of that.

(Laughter)

The Speaker (Hon. Kingi): Sen. Chute, let me refresh your memory by reading the HANSARD.

On that particular day, when you rose to speak, you said:

“Thank you, very much, Mr. Temporary Speaker, Sir. Let me take this opportunity to oppose this Motion completely. There is a problem in this country. I do not know what name I should give this country. This country is very tribalistic. I will tell you why this man, Mr. David Kibet Kimei, if you ask me today, should not be employed.

First, there is an issue with EACC, who have reported to him---”

(Several Senators spoke loudly)

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Sen. Chute can hear me.

Then the Temporary Speaker, Sen. Abdul Haji, said - this because at that point, the Senator for Nandi rose on a point of order -

“What is your point of order, Sen. Cherarkey?”

The Temporary Speaker, Sen. Abdul Haji said: “Sen. Chute, please, resume your seat and mute your microphone.”

Then, the Senator for Nandi proceeded, having been given the Floor by the Temporary Speaker: “Sir, I rise pursuant to Standing Order No.105 on the responsibility of the statement of facts. Is it in order for Sen. Chute to allege tribalism and the issues that are within the EACC? Can he substantiate by tabling that evidence so that we can be satisfied?”

Then the Temporary Speaker proceeded to say the following: “Sen. Chute, are you able to substantiate?”

This is what you said, Sen. Chute: “Mr. Temporary Speaker, Sir, in my Committee, we already have a report that shows that this country is very tribal. I will table that report next week. This is what is happening in this country. Mr. Temporary Speaker, Sir, let me give you a scenario. First of all, I am ready to substantiate because it is in my report. As I said, I will table it next week.”

(Loud consultations)

So, you may now proceed.

Order, hon. Senators.

Sen. Chute: Mr. Speaker, Sir, first of all, I would want to make something very clear. The Senator for Embu pronounced my name as Shute.

(Laughter)

The people of Marsabit are asking me when I changed my name to Shute. Even some friends of mine from Embu are asking me what is happening. How come that our friend and Senator is calling you Shute? If you can remember, Mr. Speaker, Sir, I told this Senate that my name is Chute, C.H.U.T.E and not “Shut”, but the Senator for Embu is calling me Shute. That is not my name.

Mr. Speaker, Sir, I would want to be given some time and I will kindly table those documents.

The Speaker (Hon. Kingi): Sen. Chute, I will read Standing Order No.105(2) before I proceed to make my ruling:

“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 No.121 (Disorderly conduct) unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires”.

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Having failed to substantiate on the date that was indicated by the Temporary Speaker then, which is today, under Standing Order No.105, it therefore follows that you have two options: Either, withdraw, apologise or I will deem you out of order, pursuant to Standing Order No.121 and proceed to ask you to leave the Chamber. Which of those two are you going for?

Sen. Chute: Mr. Speaker, Sir, these are facts which are in this country and everybody knows. Even a young 10-year-old boy knows this. I am not going to apologise for what I have in my Committee. I would rather leave this House.

The Speaker (Hon. Kingi): Hon. Chute, kindly withdraw from the precincts of Parliament for the remainder of today's Sitting.

(Sen. Chute withdrew from the Chamber)

(Applause)

Next Order.

(Loud consultations)

Order, hon. Senators.
The Senate Majority Leader.
Sen. Sifuna?

NOTICES OF MOTIONS

ESTABLISHMENT OF A SELECT COMMITTEE TO INVESTIGATE THE PROPOSED
REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE GOVERNOR
OF KERICHO COUNTY, HON. (DR.) ERICK KIPKOECH MUTAI

Sen. Sifuna: Mr. Speaker, Sir, I wish to give notice of the following Motion-
THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Wednesday, 2nd October, 2024, the County Assembly of Kericho approved a Motion for the removal from office, by impeachment, of the Honourable (Dr.) Erick Kipkoech Mutai, Governor of Kericho County;

FURTHER WHEREAS, by letter Ref. No. KCA/SP/3 Vol. I/4/(34), dated Wednesday, 2nd October, 2024, and received in the Office of the Speaker on the same day, the Speaker of the County Assembly of Kericho informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly;

AND FURTHER WHEREAS, pursuant to Section 33(3)(b) of the County Governments Act, and Standing Order 80(1)(b)(i) of the Senate

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Standing Orders, the Senate by resolution, may appoint a Special Committee comprising 11 of its Members to investigate the matter.

NOW THEREFORE, pursuant to Article 181 of the Constitution, Section 33(3)(b) of the County Governments Act, and Standing Order 80(1)(b)(i) of the Senate Standing Orders, the Senate resolves to constitute a Special Committee to investigate the proposed removal from office, by impeachment, of the Honourable (Dr). Erick Kipkoech Mutai, the Governor of Kericho County.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Very well, the Chairperson Committee on Education, proceed.

ADOPTION OF REPORT ON PETITION ON DISCRIMINATION IN PAYMENT OF
HARDSHIP AND ENHANCED HOUSE ALLOWANCE TO TEACHERS
IN KILIFI AND TAITA TAVETA COUNTIES

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir. I beg to give Notice of the following Motion –

THAT the Senate adopts the report of the Standing Committee on Education on a Petition in the Senate regarding the discrimination by Teacher Service Commission TSC on payment of hardship and enhanced house allowance to some teachers in Kilifi and Taita-Taveta counties laid on the table of the Senate on Tuesday, 8th October 2024.

Thank you.

The Speaker (Hon. Kingi): Next Order, Clerk.

(The Senate Majority Leader consulted with the Speaker)

Now allow me to rearrange today's Order Paper pursuant to Standing Order No. 45(2) and prosecute Order No.9. Then we will come back to Questions and Statements.

Senator for Nairobi City County, you may proceed to move your Motion. Clerk, call the order first.

MOTION

ESTABLISHMENT OF A SELECT COMMITTEE TO INVESTIGATE THE PROPOSED
REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE GOVERNOR
OF KERICHO COUNTY, HON. (DR.) ERICK KIPKOECH MUTAI

Sen. Sifuna: Thank you, Mr. Speaker, Sir. I beg to move-

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Wednesday, 2nd October, 2024, the County Assembly of Kericho approved a Motion for

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the removal from office, by impeachment, of the Hon. (Dr.) Erick Kipkoech Mutai, Governor of Kericho County.

FURTHER WHEREAS, by letter Ref. No. KCA/SP/3 Vol. I/4/ (34), dated Wednesday, 2nd October, 2024, and received in the Office of the Speaker on the same day, the Speaker of the County Assembly of Kericho informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly.

AND FURTHER WHEREAS, pursuant to Section 33(3)(b) of the County Governments Act, and Standing Order 80(1)(b)(i) of the Senate Standing Orders, the Senate by resolution, may appoint a Special Committee comprising 11 of its Members to investigate the matter.

NOW THEREFORE, pursuant to Article 181 of the Constitution, Section 33(3)(b) of the County Governments Act, and Standing Order 80(1)(b)(i) of the Senate Standing Orders, the Senate resolves to constitute a Special Committee to investigate the proposed removal from office, by impeachment, of the Hon. (Dr.) Erick Kipkoech Mutai, the Governor of Kericho County.

We have been in this particular situation multiple times as a House. The reasoning of the House's leadership in accordance with Standing Order No.80 is that the decision to go to committee or listen to the charges facing the governor in plenary is a decision of this House.

This is why, as the leadership, we will always come to the membership with that choice. That choice is made, and it is given as a direction to the leadership of the House on how Members wish to proceed with this Motion.

I can hear a lot of murmuring, but as a matter of procedure---

(Sen. Cherarkey stood up in his place)

The Speaker (Hon. Kingi): Senator for Nandi, let the Nairobi City County Senator move his Motion. Take your seat.

Sen. Sifuna: Mr. Speaker, Sir, I was saying that I can hear murmurings, but this is something that we have done multiple times in this House. As far as I know, the Standing Orders do not allow us, as a leadership, or indeed as Senate Business Committee, to make that decision for Members of this House.

In the absence of a Motion for that decision to be taken, it is impossible for us to move the House for us to hear the Members' views. I know why Sen. Cherarkey is raising his hand. I am sure you will have the opportunity to speak to that. He wants to say something, and I was guided in the SBC this morning that you can bring this Motion without necessarily attaching the names of the Members. Once the House's decision is made, the names can be proposed and debated. That is what is before this House this afternoon. Can I be heard in silence?

(Loud consultations)

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The Speaker (Hon. Kingi): Order, Hon. Senators.
Proceed and conclude.

Sen. Sifuna: Mr. Speaker, Sir, therefore, to keep the matter brief. We propose a Motion for you to make the decision, out of respect for our own Standing Orders and respect for the Members of this House. All of us will abide by that decision.

With those many remarks, I can see my seconder has come into the House. I request Sen. Veronica Maina to second the Motion.

Thank you.

The Speaker (Hon. Kingi): Order, hon. Senators. Order, Senator for Nandi. If you have an issue with this Motion, once it is moved, you will have an opportunity. In fact, can I confirm to you that once it is seconded and I propose the question, you will be the first Senator to speak to this?

Sen. Oketch Gicheru, you do not debate my ruling.

Proceed Sen. Veronica Maina.

Sen. Veronica Maina: Thank you, Sen. Sifuna for giving me this opportunity to second this Motion. I have thought through this Motion, and it is my considered opinion that I would not wish to continue with seconding this Motion.

I, therefore, decline to second this Motion. I request the Senator for Nairobi City to give me the opportunity to second one of his substantive, well-thought-out Motions.

(Loud consultations)

*(Sen. Gataya Mo Fire stood up in his place
and consulted Sen. Mungatana)*

The Speaker (Hon. Kingi): Order, Hon. Senators. Hon. Senators, be orderly. Sen. Gataya Mo Fire. The Motion, having lacked a seconder, dies naturally.

I will proceed, therefore, to make the following communication.

COMMUNICATION FROM THE CHAIR

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

The Speaker (Hon. Kingi): Hon. Senators, you will note that Sen. Sifuna MP has moved a Motion for the establishment of a Special Committee to investigate the proposed removal from office by impeachment of Hon. Dr. Eric Kipkoech Mutai, the Governor of Kericho County. The Motion has, however, failed to get a seconder.

Standing Order No.70(1) states as follows-

“The question on any Motion shall not be proposed unless it shall have been seconded and any Motion that is not seconded shall be deemed to have been withdrawn

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and shall not be moved again in the same Session, unless with the permission of the Speaker.”

In this case, nobody has sought to reintroduce that Motion. As I communicated earlier today during the sitting, by way of a Message, on the resolution of the County Assembly of Kericho, Section 33(3)(a) of the County Governments Act and Standing Order No.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 to be withdrawn, pursuant to Standing Order No.70(1), the proposal for a Special Committee has been defeated. The Senate will, therefore, proceed with the investigation on the proposed removal from office, by the impeachment, of Hon. (Dr.) Eric Kipkoech Mutai, the Governor of Kericho County, in plenary, pursuant to Section 33(3)(a) of the County Governments Act and Standing Order No.80(1)(b)(ii).

Hon. Senators, at a special meeting held on Thursday, 3rd October, 2024, the Senate Business Committee (SBC) considered the provisional dates for this investigation if 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 by today, Tuesday, 8th October, 2024.

(b) The parties to file their responses with the office of the Clerk of the Senate by Saturday, 12th October, 2024, by 5.00 p.m.

(c) The Clerk to circulate documents received from the parties, including the Plenary Hearing Programme, to all hon. Senators by 5.00 p.m. on Sunday, 13th October, 2024.

(d) The Senate shall then investigate the matter in plenary on Monday, 14th October and Tuesday, 15th October, 2024.

The Senate is guided accordingly.

(The Clerk-at-the-Table consulted with the Speaker)

The Speaker (Hon. Kingi): Yes, Sen. Boni.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir, for indulging me.

It has become a tradition of hearings of impeachment to be done in the period that you have guided the House. However, we have also learned that we normally create too much pressure on the witnesses, the parties and Members of this House in those two days.

I would like to appeal to you purely on matters of natural justice. The tension and pressure that we create, especially to the parties should be reviewed.

Mr. Speaker, Sir, since the window is 10 days, what is wrong with you opening up your ruling, so that the hearings are not limited to those two days? We should have three or even four days. That is important so that Senators, especially during debate, can

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inform the House what they have heard and what they believe should be the preferred verdict. I plead that we prolong this period of consideration

The Speaker (Hon. Kingi): Sen. Wambua, you had something to say?

Sen. Wambua: I do not know where Sen. (Dr.) Khalwale has disappeared to.

Mr. Speaker, Sir, I have listened to what Sen. (Dr.) Khalwale said. This is a House of records. Sen. (Dr.) Khalwale has, for all intents and purposes, failed us on that matter of impeachment.

If I can remember, Sen. (Dr.) Khalwale undertook to bring to this House an Impeachment Bill, so that we are no longer at the mercy of the Speaker in determining how long an impeachment should take. So, before you blame the Speaker for shortening the dates, bring the Bill.

The Speaker (Hon. Kingi): Sen. Wambua, certainly you are not under the mercy of the Speaker on this particular matter. This is a substantive business of the House. Before the Speaker pronounces or communicates to the House, it is normally a substantive agenda before the SBC.

At its sitting, the SBC resolved that this particular impeachment hearing be done on 14th October, 2024 and 15th October, 2024. As the Speaker, what I did was to communicate that particular decision. However, I fully take on board your concerns. It is something that we need to consider going forward. However, for this particular one, it will be heard on 14th October, 2024 and 15th October, 2024.

I am not saying it shall come before us, but in the event that whatever process that is taking place in the National Assembly finds its way to the Senate, we may not have even an extra hour to add to those two days we have given for this impeachment because the period will be running for both processes.

Therefore, for this particular one, we will have two days. However, going forward, I certainly agree with both Sen. (Dr.) Boni and the Senator for Kitui.

The Speaker (Hon. Kingi): Yes, Sen. Mungatana.

Sen. Mungatana, MGH: Mr. Speaker, Sir, in terms of thinking ahead, reading the charges that you have shared with us, some of the evidence that we anticipate will be a bit sensitive and maybe personal. I am wondering how we shall protect the identity of the witnesses. Perhaps you should give a way forward, so that while we balance the issues where the public should know what we are doing, we also need to protect some of these witnesses.

I submit, Mr. Speaker, sir.

The Speaker (Hon. Kingi): Hon. Senators, let us cross the bridge when we get there. This hearing has not started. Therefore, let it run.

We may or may not get there. If we get there, certainly, we will make the proper guidance on this particular matter.

Next Order.

(The Clerk-at-the-Table approached the Chair)

Just call Order No.8. After that, we move back to Order No.10.

Proceed.

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BILL*First Reading*

THE SPORTS (AMENDMENT) (NO.2) BILL
(SENATE BILLS NO.45 OF 2024)

*(Order for the First Reading read-Read the First Time and
ordered to be referred to the relevant Senate Committee)*

The Speaker (Hon. Kingi): Call Order No.10.

COMMITTEE OF THE WHOLE

(Order for the Committee read)

[The Speaker (Hon. Kingi) left the Chair]

IN THE COMMITTEE

*[The Temporary Chairperson (Sen. Veronica Maina)
in the Chair]*

THE GAMBLING CONTROL BILL
(NATIONAL ASSEMBLY BILLS NO.70 OF 2023)

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, kindly, resume your seats.

Sen. Chesang', Sen. (Dr.) Khalwale, Sen. Osotsi, can you resume your seats, so that we proceed?

(Several Senators sat in their places)

This is a session of the Committee of the Whole on the Gambling Control Bill, (National Assembly Bills No.70 of 2023).

Sen. Wamatinga, please, resume your seat together with Sen. Kinyua, Sen. Mumma and Sen. Abdul Haji. Sen. Gataya Mo Fire, you are not expected to be on that side of the House. Please resume your seats.

(Several Senators sat in their places)

Sen. Wafula, and Sen. Ali Roba, kindly, take your seats. Sen. Kibwana, is there a possibility you are distracting Sen. Ali Roba? Please, resume your seat.

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This is the Committee of the Whole and we are going through the new amendments that are being introduced in the Gambling Control Bill, (National Assembly Bills No.70 of 2023). Most of these amendments were canvassed on 15th May, 2024. So, we will only go through the new amendments that have been introduced.

I will therefore go straight to Clause 11.

Clause 11

The Temporary Chairperson (Sen. Veronica Maina): I request Sen. Alan Chesang to move this amendment. Sen. Chesang, can you approach the Clerk's desk?

(Sen. Chesang approached the Clerk's desk)

Proceed.

Sen. Chesang: I beg to move-

THAT, Clause 11 of the Bill be amended by inserting the following new subsection immediately after subsection (4)-

(5) The Cabinet Secretary, in consultation with the Authority, may grant remote platform authorizations.

(6) The Cabinet Secretary may revoke an authorization granted under subsection (5) only if the platform is found to be in breach of the regulatory service requirements as prescribed by the Authority.

(Question of the amendment proposed)

Division will be at the end.

Clause 79

Sen. Chesang: Madam Temporary Chairperson, I beg to move-

THAT clause 79 of the Bill be amended by-

(i) in subsection (1) by deleting paragraph (c);

(ii) inserting the following new subclause immediately after subclause (3)-

(4) Notwithstanding the provisions of subsection (1), a gambling operator based in a foreign country who does not intend to carry out online gambling activities in Kenya, may apply for a licence to the Authority under this section.

(5) A foreign based operator who applies for a licence under subsection (3) shall be exempt from the requirements under sections 29 and 40.

(Question of the amendment proposed)

Division will be at the end.

Clause 123

The Temporary Chairperson (Sen. Veronica Maina): This is to be moved by the Chairperson of the Standing Committee on Labour and Social Welfare.

Sen. Murgor, this is your Clause.

You can approach the desk. Proceed.

Sen. Murgor: I beg to move-

THAT Clause 123 of the Bill be amended by renumbering the current provision as sub clause (1) and inserting therefor the following new sub clauses immediately after the new clause (1)—

Cap 269 (2) The Kenya Revenue Authority Act, is amended in Part II of the First Schedule, by deleting paragraph 7 and substituting therefor the following new paragraph—

7. The Gambling Control Act.

No. 20 of 2023 (3) The National Lottery Act is amended by inserting the following new clause immediately after clause 52—

Regulations 53. (1) The Cabinet Secretary may in consultation with the Board, make regulations generally for the better carrying into effect of any provisions under this Act.

(2) Without prejudice to the foregoing, regulations made under this section may provide for—

- (a) the procedure to be followed by the Board in exercising any powers conferred upon it by this Act;
- (b) the conduct of a national lottery;
- (c) apportionment of the proceeds of the national lottery;
- (d) procedure for the sale of tickets, prizes of tickets and payment of prizes;
- (e) announcement and protection of winners of the national lottery;
- (f) the circumstances under which the national lottery may be advertised; and
- (g) the places where, circumstances or manner in which signs relating to a national lottery may be displayed.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Further amendment by the Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): I beg to move-

THAT Clause 123 of the Bill be amended by renumbering the current clause as subclause (1) and inserting the following new subclauses—

(2) The Excise Duty Act, Cap. 472, is amended in the First Schedule, Part II, by deleting paragraphs 4A, 4B, 4C and 4D.

(3) The Income Tax Act, Cap. 470, is amended—

- (a) by deleting section 10 (1) (g); and
- (b) in the Third Schedule, Head B, by deleting—
 - (i) paragraph 3 (i); and

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(ii) paragraph 5 (i).

(Question of the further amendment proposed)

Division will be at the end.

New Clause 57A

The Temporary Chairperson (Sen. Veronica Maina): Proceed, Sen. Chesang.

Sen. Chesang: I beg to move -

THAT the Bill be amended by inserting the following new clause immediately after Clause 57-

Lottery tax.

57A.(1) There shall be a tax to be known as lottery tax chargeable at the rate of fifteen per cent of the lottery turnover.

(2) The tax shall be paid to the Collector by a person authorized to promote the lottery on the 20th day of the month following the month of collection

(Question of the New Clause 57A proposed)

(New Clause 57A read the First Time)

(Question, that New Clause 57A be read a Second Time proposed)

(Question, that New Clause 57A be part of the Bill, proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

New Clause 63A

The Temporary Chairperson (Sen. Veronica Maina): Proceed, Sen. Alan Chesang.

Sen. Chesang: I beg to move-

THAT the Bill be amended by inserting the following new clause immediately after Clause 63-

Betting tax.

63A.(1) There shall be a tax to be known as betting tax chargeable at the rate of fifteen per

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cent of the gaming revenue.

(2) The tax shall be paid to the Collector by the licensed bookmaker on the 20th day of the month following the month of collection.

(3) This section shall not apply to horse racing

(Question of the New Clause 63A proposed)

(New Clause 63A read the First Time)

Question, that New Clause 63A be read a Second Time proposed)

(Question, that New Clause 63A be part of the Bill, proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

New Clause 66A

The Temporary Chairperson (Sen. Veronica Maina): Proceed, Sen. Alan Chesang.

Sen. Chesang: I beg to move-

THAT the Bill be amended by inserting the following new clause immediately after clause 66-

Gaming tax.

66A. (1) There shall be a tax to be known as gaming tax chargeable at the rate of fifteen per cent of the gaming revenue.

(2) The tax shall be paid to the Collector by a person carrying on a gaming business on the 20th day of the month following the month of collection.

(Question of the New Clause 66A proposed)

(New Clause 66A read the First Time)

Question, that New Clause 66A be read a Second Time proposed)

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*(Question, that New Clause 66A be part of the
Bill, proposed)*

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

New Clause 82A

The Temporary Chairperson (Sen. Veronica Maina): Proceed, Sen. Alan Chesang.

Sen. Chesang: I beg to move-
THAT the Bill be amended by inserting the following new clause immediately after clause 82-

Prize
competition tax.

82A. (1) There shall be a tax to be known as prize competition tax chargeable on the cost of entry to a competition which is premium rated at the rate of fifteen per cent of the total gross turnover.

(2)The tax shall be paid to the Collector by the licensed person on the 20th day of the month following the month of collection.

(Question of the New Clause 82A proposed)

(New Clause 82A read the First Time)

*Question, that New Clause 82A be read a
Second Time proposed)*

*(Question, that New Clause 82A be part of the
Bill, proposed)*

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, we will do the Division for the two Bills that---

What is your point of procedure, Sen. Osotsi?

Sen. Osotsi: Madam Temporary Chairperson, you are supposed to allow the Mover of the amendment to explain the import of the amendments. The amendments that have been proposed are proposing taxation.

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In this era where our people are very sensitive on matters of tax, it will be important for the Mover to explain what the import of the amendments are so that we can move along together.

The Temporary Chairperson (Sen. Veronica Maina): Thank you, Sen. Osotsi. I believe that is important, and so, Sen. Allan Chesang', can you take the Floor and explain the import of the amendments that you have introduced?

What is the problem, Sen. Onyonka?

Sen. Onyonka: Thank you, Madam Temporary Chairperson. I am sure that my colleague, Sen. Osotsi, does not realize that this is the Gambling Control Bill (National Assembly Bills No.70 of 2023). In fact, we can increase the tax by 100 per cent.

The Temporary Chairperson (Sen. Veronica Maina): You should allow Sen. Chesang' to explain it first.

Okay, Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Madam Temporary Chairperson. Sen. Osotsi, if you have followed, these are already existing measures, they are not new ones only that they are being taken away from the previous legislation to the Gambling Authority.

The Temporary Chairperson (Sen. Veronica Maina): The Senator of Nandi County, you may proceed. Please, move to the Dispatch Box, your microphone is not working.

Sen. Cherarkey: Madam Temporary Chairperson, I think this tax exists. In fact, under the Finance Bill, it can be reviewed yearly. So, even if it is on the Gambling Bill as at the moment, it can still be reviewed within the Finance Bill yearly depending on the financial year.

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, the Divisions will be taken at the end for both Bills and so, we are proceeding to the Tea Bill.

Sen. Sifuna, do you have an amendment to the Gambling Control Bill.

(Sen. Sifuna spoke off record)

You had already canvassed on that amendment. Had you not?

Sen. Sifuna: Madam Temporary Chairperson, if the record reflects that I had already canvassed on it then, it is okay.

The Temporary Chairperson (Sen. Veronica Maina): That is what I am advised, and so, we proceed to the Tea (Amendment) Bill (Senate Bills No.1 of 2023)

THE TEA (AMENDMENT) BILL (SENATE
BILLS NO.1 OF 2023)

The Temporary Chairperson (Sen. Veronica Maina): Hon Senators, we are now canvassing the Tea (Amendment) Bill (Senate Bills No.1 of 2023). I invite Sen. Wakili Sigei, the hon. Senator for Bomet County, to take the Floor and move the amendments.

Clause 3

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Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move—
THAT Clause 3 of the Bill be amended—

(a) by inserting the following new paragraph immediately before the existing paragraph (a)-

(aa) (i) deleting subsection 1(d)

(ii) inserting the following new subsection immediately after subsection (1h)-

(ha) one person elected by the Independent Producers Association of Kenya.

(b) in paragraph (a), in the proposed new subsection (2) by inserting the expression “(ha)” immediately after the expression “(g) and (h)”;

(c) in paragraph (b) in the proposed new subsection (3) by inserting the expression “ha” immediately after the expression “(g) and (h)”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division at the end.

Clauses 4 and 5

(Question that Clauses 4 and 5 be part of the Bill proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clause 6

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move -
THAT Clause 6 of the Bill be amended in the proposed new subsection (1A) by deleting the word “Enterprise” appearing immediately after the words “Special Economic Zone”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division at the end.

Clause 7

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move—
THAT the Bill be amended by deleting clause 7 and substituting therefor the following new clause—

7. Section 34 of the principal Act is amended in subsection (4) by deleting the words “one point five per centum” appearing immediately after the words “shall not exceed” and substituting therefor the word “two”

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(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division at the end.

Clauses 8 and 9

(Question that Clauses 8 and 9 be part of the Bill proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clause 10

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move- THAT Clause 10 of the Bill be amended-

(a) by deleting paragraph (b) and substituting therefor the following new paragraph —

(b) by deleting subsection (2) and substituting therefor the following new subsection—

(2) A tea factory that intends to participate in a tea auction shall—

a) register with the Board and the auction organizer; and

b) participate in the auction directly or through a management agent approved under section 34.

(b)by deleting paragraph (c) and substituting therefor the following new paragraph —

(c)in subsection (5) by inserting the words “and paid to the tea growers” appearing immediately after the words “tea factory accounts”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division at the end.

Clause 11

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move- THAT clause 11 of the Bill be amended

(a) in the proposed new section 36A —

(i). in the proposed subsection (1) by deleting the words “any other entity representing growers” appearing immediately after the words “licenced factory or” and substituting therefor the words “a management agent approved under section 34”;

(ii). in the proposed subsection (2) by deleting the words “prevailing reserve price at the auction” appearing at the end of the subsection and substituting therefore the words “highest price recorded at the auction within the three months preceding the sale”; and

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- (iii). deleting the proposed subsection (3).
- (b) by deleting the proposed new section 36B

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division at the end.

Clause 12

The Temporary Chairperson (Sen. Veronica Maina): The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries, Sen. (Dr.) Murango, are you there, or Sen. Wafula is representing the Committee?

Sen. Wafula: Madam Temporary Chairperson, I beg to move-

THAT the Bill be amended by deleting clause 12 and substituting therefor the following new clause—

12. Section 37 of the principal Act is amended—

(a) in subsection (1) by deleting the word “Board” appearing immediately after the words “register with the” and substituting therefor the words “respective county government”; and

(b) by deleting sub-section (3) and substituting therefore the following new subsection-

(3) A county Assembly shall enact county legislation to provide for the procedure for registration of commercial green leaf transporters and the appeal process in case of denial of registration.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division at the end.

Clause 13

Sen. Wakili Sigai: Madam Temporary Chairperson, I beg to move-

THAT clause 13 of the Bill be amended –

(a) by deleting paragraph (a)

(b) by deleting paragraph (c) and substituting therefor the following new paragraph—

(c) deleting subsection (5) and substituting therefor the following new subsection—

(5) The tea levy collected under subsection (2) shall be apportioned as follows—

a) sixty per centum shall be applied by the Board in the furtherance or exercise of the functions or powers of the Board; and

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b) forty per centum shall be remitted directly to the Tea Research Foundation for execution of the functions of the Foundation.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division at the end.

Clause 14

(Question, that Clause 14 be part of the Bill proposed)

Division will be at the end.

Clause 15

Sen. Wafula: Madam Temporary Chairperson, I beg to move:-

THAT Clause 15 of the Bill be amended in paragraph (b) in the proposed new subsection (2) by deleting the word “immovable” appearing immediately after the word “All” at the beginning of the proposed subsection.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

New Clause 2A

Sen. Wafula: Madam Temporary Chairperson, I beg to move-

THAT section 5 of the principal of the Act be amended in paragraph (e) by deleting the words “commercial green leaf transporters,” appearing immediately after the words “commercial tea nurseries”.

(Question, that New Clause 2A be now read the First Time, proposed)

(New Clause 2A read the First Time)

Question, that New Clause 2A be read a Second Time proposed)

(Question, that New Clause 2A be part of the Bill, proposed)

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The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

New Clause 5A

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move- THAT section 23 of the principal of the Act be amended –

a) by inserting the following new subsection immediately after subsection (1)

(1A) A large scale tea grower shall notify the Board of any intended sale or transfer of ownership of its holding six months before the transaction is affected.

b) in subsection (2) by inserting the words “procedure for transfer of large-scale tea holdings” immediately after the words “providing for the”.

(Question, that New Clause 5A be now read the First Time proposed)

(New Clause 5A read the First Time)

Question, that New Clause 5A be read a Second Time proposed)

(Question, that New Clause 5A be part of the Bill, proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clause 2

Sen. Wafula: Madam Temporary Chairperson, I beg to move- THAT Clause 2 of the Bill be amended —

(a) in paragraph (b) by deleting the word “enterprise” appearing immediately after the words “Special Economic Zone” in the definition of the term “import”;

(b) in paragraph (e) –

(i) in the definition of the term “direct sales” by inserting the words “or its management agent” immediately after the words “between a factory”;

(ii) by deleting the definition of the term “direct sales overseas”; in the definition of the term “tea factory limited company” by inserting the words “or medium scale tea growers” immediately after the words “scale tea growers”.

(Question of the amendment proposed)

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The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

The Title and Clause 1

(Question, that the Title and Clause 1 be part of the Bill proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Hon. Senators, for convenience of the schedule for the day, we will consider those divisions together, so we are calling for the next Bill, the Maternal, Newborn and Child Health Bill (Senate Bills No.17 of 2023), which we will be proceeding with in a minute or so. We are now proceeding with the amendments and the proposals.

THE MATERNAL, NEWBORN AND CHILD HEALTH BILL
(SENATE BILLS NO.17 OF 2023)

Clauses 3 and 4

(Question, that Clauses 3 and 4 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clause 5

The Temporary Chairperson (Sen. Veronica Maina): Proceed, Sen. Okiya Omtatah. Sen. Okiya Omtatah is not here and he has not instructed anybody.

Sen. Ogola: Madam Temporary Chairperson, I will stand in for him.

The Temporary Chairperson (Sen. Veronica Maina): Sen. Ogola will stand in for Sen. Okiya Omtatah. Can you go on record as representing Sen. Okiya Omtatah?

Sen. Ogola: Thank you, Madam Temporary Chairperson. I am representing Sen. Okiya Omtatah.

Sen. Ogola: Madam Temporary Chairperson, on behalf of Sen. Okiya Omtatah, I beg to move-

THAT clause 5 of the Bill be amended—

- (a) in subclause (1) by—
 - (i) inserting the following new paragraph immediately after paragraph (a)—
 - (aa) reasonable and affordable fee, if any, for health services and which does not impede access to health care;
 - (ii) inserting the following new paragraph immediately after paragraph (c)—

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(ca) treatment with respect and the provision of information necessary to make informed decisions;

(b) in subclause (3) by—

(c)

(i) inserting the words “including in remote areas and” immediately after the words “child health services” appearing in paragraph (e);

(ii) inserting the following new paragraph immediately after paragraph (e)—

(ea) ensure provision of specialized services and facilities for persons with special needs; and

(iii) inserting the following new paragraph immediately after paragraph (f)—

(fa) train traditional birth attendants and integrate them in the delivery of prenatal, postpartum and neonatal health care.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

The Temporary Chairperson (Sen. Veronica Maina): I now call upon the Chairperson, Standing Committee on Health represented by Sen. Mariam Omar. Proceed, Sen. Mariam Omar.

Clause 6

Sen. Mariam Omar: Thank you, Madam Temporary Chairperson, I beg to move

-

THAT, Clause 6 of the Bill be amended in subclause (1) by deleting the word “agencies” appearing immediately after the words “to adoption services” in paragraph (e) and substituting therefor the words “that comply with Part XIV of the Children Act”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Sen. (Dr.) Khalwale, you have a further amendment under Clause 6.

Clause 6

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Chairperson. I beg to move

-

THAT Clause 6 of the Bill be amended in subclause (1) by deleting the words “planning services” appearing after the word “family” in paragraph (a) and substituting therefor the words “health education”.

Madam Temporary Chairperson, the intention of this amendment is that we are speaking to family planning services. The intention of changing to family health education is so that we do not limit this civic education to only the number of children

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you get at what intervals, but you make it broader by giving family health education, which is far much bigger than limiting the number of children.

I thank you.

(Question of the further amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Thank you, Sen. (Dr.) Khalwale. There is a further amendment by Sen. Okiya Omtatah. Sen. Ogola, do you have instructions to represent him?

Sen. Ogola: Thank you, Madam Temporary Chairperson. I confirm that I have instructions to represent Sen. Okiya Omtatah.

Madam Temporary Chairperson, on behalf of Sen. Okiya Omtatah, I beg to move

—

Clause 6

THAT Clause 6 of the Bill be amended in subclause (1) by— (c) inserting the words “including hormonal profiling and the provision of prenatal vitamins” immediately after the words “preconception care services” appearing in paragraph (b); and (d) inserting the words “as may be prescribed by the Cabinet Secretary” immediately after the words “appropriate counselling services” appearing in paragraph (c).

(Question of the further amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): I have noted that the amendments are not conflicting to one another so they can all proceed.

Division will be at the end.

Clause 7

The Temporary Chairperson (Sen. Veronica Maina): I invite the Chairperson, Standing Committee on Health represented by Sen. Mariam Omar, to move the amendment.

Sen. Mariam Omar: Thank you, Madam Temporary Chairperson. I beg to move— THAT, Clause 7 of the Bill be amended in subclause (2) by—

(a) deleting the words “licensed agencies if indicated” appearing immediately after the words “adoption services at” in paragraph (d) and substituting therefor the words “an adoption society registered under section 208 of the Children Act”; and

(b) inserting the following new paragraph immediately after paragraph (f)—

(fa) mental health care services from prenatal to twelve months after birth.

(Question of the amendment proposed)

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The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end. There is a further amendment by Sen. Okiya Omtatah.

Sen. Ogola: Madam Temporary Chairperson, I confirm that I am representing Sen. Okiya Omtatah. I beg to move-

THAT, Clause 7 of the Bill be amended in subclause (2) (b) by inserting the words “as may be prescribed by the Cabinet Secretary” immediately after the words “free prenatal care”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end. Once again, the two amendments can coexist because they are amending different paragraphs of subclause (2).

Clause 8

The Temporary Chairperson (Sen. Veronica Maina): I invite the Chairperson, Standing Committee on Health represented by Sen. Mariam Omar, to move the amendment.

Sen. Mariam Omar: Thank you, Madam Temporary Chairperson. I beg to move:
-

THAT Clause 8 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(2A) Where the child under subsection (1) is an intersex child, the health care provider shall provide the appropriate specialised medical treatment and care to that child.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): There is a further amendment to this Clause. I invite Sen. Kibwana to prosecute the amendment.

Sen. Kibwana: Thank you, Madam Temporary Chairperson. I beg to move: -

THAT, Clause 8 of the Bill be amended by—

(a) inserting the following new subclause immediately after subclause (2)—

(2A) Where the child under subsection (1) has special needs, the health care provider shall ensure that the child receives—

(a) health care services, as may be prescribed, that are responsive to the needs of a child with the relevant special needs; and

(b) respectful and dignified care.

(b) deleting subclause (4) and substituting therefor the following new subclause—

(4) The Cabinet Secretary shall—

(a) prescribe standards for the delivery of the neonatal and child care services to the various categories of children up to the age of twelve years; and

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(b) prescribe guidelines and standards for the provision of the highest available standards of health services that are responsive to the needs of children with special needs.

(c) inserting the following new subclause immediately after subclause (5)—

(6) For purposes of this Act, a child with special needs includes a child with disability, a child with mental illness and a child in a marginalized area.

(Question of the further amendment proposed)

Clause 8

The Temporary Chairperson (Sen. Veronica Maina): I also invite Sen. Okiya Omtatah.

Sen. Ogola: Madam Temporary Chairperson, I confirm that I am representing Sen. Okiya Omtatah. I beg to move: -

THAT, Clause 8 of the Bill be amended by inserting the following new subclause immediately after subclause (3)—

(3A) The consent under subsection (3) shall not be required where—

(a) there is a documented report of child abuse by the parent or guardian who is required to provide consent;

(b) the parent or guardian required to provide consent practises religious or cultural practices that risk the health of the child; or

(c) the parent or guardian required to provide consent has been diagnosed with mental incapacity.

(Question of the further amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, the amendment by the Chairperson, Health is also carried in Sen. Kibwana's amendment, while both Sen. Kibwana and Sen. Okiya Omtatah are amending different subclauses of Clause 8. Therefore, the Chairperson, Health should consider dropping his amendment in favour of Sen. Kibwana's.

Sen. Mariam Omar, can you agree to that so that we can proceed?

Sen. Mariam Omar: Madam Temporary Chairperson, I agree to drop my amendment.

*(Proposed amendment to Clause 8 by
Sen. Mariam Omar dropped)*

The Temporary Chairperson (Sen. Veronica Maina): Thank you, Sen. Mariam Omar.

(Question of the amendment proposed)

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The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clause 9

Sen. Ogola: Madam Temporary Chairperson, I confirm that I am representing Sen. Okiya Omtatah. I beg to move—

THAT, Clause 9 of the Bill be amended—

(a) in subclause (2) by inserting the following new paragraph immediately after paragraph (b)—

(ba) ensure that persons with special needs have access to specialized facilities that accommodate their needs

(b) by deleting subclause (4).

The Temporary Chairperson (Sen. Veronica Maina): Thank you, Sen. Ogola.

(Question of the amendment proposed)

Sen. Khalwale, you also have a further amendment to this clause.

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Chairperson. I beg to move—

THAT, Clause 9 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(2A) The Cabinet Secretary shall put in place mechanisms to ensure that adolescents undergoing postpartum care receive counselling services to encourage them to maintain and care for their children.

Madam Temporary Chairperson, this amendment is critical. In my long journey in practice, we have young mothers who the moment the child pops out, they say, “Sitaki mtoto”. However, if they had been counselled, they would accept to go home with the child.

I thank you.

(Question of the further amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end. Notably, the two amendments can coexist because they are amending different subclauses of Clause 9.

Clause 10

(Question, that Clause 10 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

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Clause 11

Sen. Kibwana: Madam Temporary Chairperson, I beg to move-
THAT, Clause 11 of the Bill be amended in the introductory clause by inserting the words “physical and mental” immediately after the words “maternal, neonatal and”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): There is a further amendment by Sen. (Dr.) Khalwale. You can proceed with that proposal.

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Chairperson. I beg to move-

THAT, Clause 11 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (c)—

(ca) counselling services for pregnant women who intend or are considering not carrying their pregnancies to term;

(cb) post abortion health care services;

Madam Temporary Chairperson, the import of this amendment is that after a woman has gone through an abortion, it is usually very traumatic, therefore, they require both medical and social care.

(cc) counselling services for adolescents undergoing postpartum care to encourage them to maintain and care for their children.

I thank you.

(Question of the further amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end. The two amendments can also co-exist. They are amending different subclauses of Clause 11.

Clause 12

Sen. Kibwana: Madam Temporary Chairperson, I beg to move
THAT, Clause 12 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (d)—

(da) ensure that all national referral health facilities that offer maternal healthcare designate resources within the respective facility for provision of physical and mental healthcare to women who have lost children through stillbirth or during delivery;

(db) facilitate the provision of mental healthcare to maternal women in national referral health facilities.

(Question of the amendment proposed)

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The Temporary Chairperson (Sen. Veronica Maina): There is a further amendment to this Clause by Sen. Okiya Omtatah.

Sen. Ogola: Thank you, Madam Temporary Chairperson. I confirm that I am representing Sen. Okiya Omtatah. I beg to move-

THAT, Clause 12 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (b)—

(ba) develop standards and guidelines for the effective delivery of specialised maternal, newborn and child health services to persons with special needs.

(Question of the further amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end. The two amendments can co-exist. They are amending different sub-clauses of Clause 12.

Clause 13

Sen. (Dr.) Khalwale: Madam Temporary Chairperson, I beg to move-

THAT, Clause 13 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (b)—

(ba) maternal and neonatal deaths recorded in each county.

Madam Temporary Chairperson, the importance of this statistic is that it will contribute to how much money will be shared in the revenue sharing formula because it tracks the quality of healthcare, which is a health indicator.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): There is a further amendment by Sen. Andrew Omtatah Okoiti. Yes, Sen. Ogola.

Sen. Ogola: Madam Temporary Chairperson, on behalf of Sen. Andrew Omtatah Okoiti, I beg to move:

THAT, Clause 13 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (b)—

(ba) maternal and neonatal deaths recorded in each county with an analysis of root causes and recommended interventions to address the causes.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division at the end.

For these two amendments, Sen. (Dr.) Khalwale's amendment is also carried in Sen. Omtatah's amendment. Sen. Omtatah's amendment has an additional text. The proposal is to request Sen. (Dr.) Khalwale to consider dropping his amendment in favour of Sen. Omtatah's amendment.

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Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker. Allow me to assert that I have no objection in the two amendments being read together, so that an improved version is made. This is important because the country will be shocked that a doctor of medicine is dropping an amendment in favour of an amendment by a man who is a layman in medicine.

(Several Senators spoke off record)

The Temporary Chairperson (Sen. Veronica Maina): Order, hon, Senators. Wait a bit, Sen. Methu.

Do I hear your response to mean that you, Sen. (Dr.) Khalwale, do not wish to drop your amendment in favour of a lay Senator in medicine?

Sen. (Dr.) Khalwale: Madam Temporary Chairperson, it is a question of language. I was saying it be read together. With maximum respect, reading them together with the additional proposal by my brother, Okiya Omtatah, will carry my thinking.

The Temporary Chairperson (Sen. Veronica Maina): Okay. We request that the amendments by Sen. Omtatah and Sen. (Dr.) Khalwale be consolidated. This is just to protect his certificate of practice in medicine.

(Question of further amendment to Clause 13 proposed)

Division at the end.

Clause 14

Sen. Mariam Omar: Madam Temporary Chairperson, I beg to move:

THAT Clause 14 of the Bill be amended by inserting the words “and traditional” immediately after the words “programmes for skilled” appearing in paragraph (h).

(Question of the amendment proposed)

Division at the end.

Hon. Senators, there is a further amendment by Sen. Hamida Kibwana.

Sen. Hamida Kibwana: Thank you, Madam Temporary Chairperson. I beg to move:

THAT Clause 14 of the Bill be amended by—

- (a) inserting the following new paragraph immediately after paragraph (h)—
- (ha) put in place measures to facilitate training of health care providers in the provision of physical and mental health care services;
- (b) inserting the following new paragraph immediately after paragraph (i)—
- (ia) ensure that all county health facilities that offer maternal healthcare designate resources within the respective facilities for the provision of physical and mental healthcare to women who have lost children through stillbirth or during delivery;

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(ib) put in place measure to facilitate the provision of mental healthcare to maternal women in county health facilities;

(c) inserting the words “in the provision physical and mental health care services” immediately after the words “in the county” appearing in paragraph (m);

The Temporary Chairperson (Sen. Veronica Maina): There is a further amendment to Clause 14 by Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Chairperson. I beg to move-

THAT Clause 14 of the Bill be amended in paragraph (h) by inserting the words “and traditional” immediately after the words “programmes for skilled”;

The importance of this is that it should not be lost to Kenyans that a high percentage of women in the rural areas attend a high percentage of our births. Therefore, when you have programmes for the skilled, you should always remember that you must have similar services, simultaneously for the traditional birth attendants.

(Question of further amendment to Clause 14 proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division at the end.

Thank you, Sen. Andrew Omtatah Okoiti.

Sen. Ogola: Thank you, Madam Temporary Chairperson. I still have instructions to represent, Sen. Andrew Omtatah Okoiti.

The Temporary Chairperson (Sen. Veronica Maina): I am aware he is in the House or he has ceded his ground.

Sen. Okiya Omtatah: Madam Temporary Chairperson, I ceded my ground because she had already begun and did not want to interfere with the tempo.

The Temporary Chairperson (Sen. Veronica Maina): Okay, Sen. Beatrice.

Sen. Ogola: Thank you for that guidance. On behalf of Sen. Andrew Omtatah Okoiti, I beg to move-

THAT Clause 14 of the Bill be amended—

(a) in paragraph (h) by inserting the words “and traditional” immediately after the words “programmes for skilled”;

(b) by inserting the following new paragraph immediately after paragraph (h)—

(ha) develop and implement training programmes for the care of women with special needs for skilled and traditional birth attendants; and

(c) by inserting the following new paragraphs immediately after paragraph (i)—

(ia) ensure that there are sufficient ambulances to provide emergency prenatal, postpartum and neonatal evacuation services within the county;

(ib) ensure that respective health facilities are accessible and can provide specialised care to persons with special needs

The Temporary Chairperson (Sen. Veronica Maina): Sen. (Dr.) Boni Khalwale’s amendment is carried in Sen. Omtatah’s amendment. Further, Sen. Omtatah’s amendment can co-exist with Sen. Hamida’s amendment.

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Sen. (Dr.) Khalwale is requested to consider dropping his amendment in favour of the amendment by Sen. Omtatah.

Sen. (Dr.) Khalwale: Yes, Madam Temporary Chairperson. In fact, when Sen. Omtatah was making this amendment after mine and I became his consultant. Therefore, I agree.

(Further amendment to Clause 14 by Sen. (Dr.) Khalwale dropped)

(Question of further amendment to Clause 14 proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clause 15

Sen. Mariam Omar: Madam temporary Chairperson, I beg to move—
THAT Clause 15 of the Bill be amended—

- a) deleting the words “who serve pregnant women” appearing immediately after the words “health care providers” in paragraph (a); and
- b) by deleting the word “workers” appearing immediately after the words “community health” in paragraph (c) and substituting therefor the word “promoters”.

(Question of the amendment proposed)

Division at the end.

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, there is a further amendment to Clause 15 by Sen. Andrew Omtatah Okoiti. Yes, Sen. Beatrice.

Sen. Ogola: Thank you, Madam Temporary Chairperson, with further instructions, I beg to move:

THAT Clause 15 of the Bill be amended by inserting the following new paragraph immediately after paragraph (d)—

- (e) religious organisations.

The Temporary Chairperson (Sen. Veronica Maina): The two amendments can co-exist as they are amending different sub-clauses of Clause 15.

(Question of further amendment to Clause 15 proposed)

Division at the end.

Clause 16

Sen. Ogola: Madam Temporary Chairperson, with the same instructions, I beg to move—

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THAT Clause 16 of the Bill be amended in subclause (2) by inserting the following new paragraphs immediately after paragraph (b)—

(ba) develop and implement public awareness and community participation campaigns targeting persons with special needs and informing them of their rights under the Act;

(bb) promote awareness of the rights under this Act and the bodies responsible for effecting and protecting the rights.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division at the end.

Hon. Senators, I request you not to leave the Chamber because we have divisions at the end. If we have division and we do not have quorum, we will collapse the business of the day.

I also request the Senators who are watching us and are within the precincts of Parliament to be on stand-by or come back to the House. We are about to do divisions after we finish these amendments.

Clause 17

Sen. Mariam Omar: Madam Temporary Chairperson, I beg to move—

THAT Clause 17 of the Bill be amended in subclause (3) by inserting the words “and published in an accessible format” immediately after the words “easily accessible” appearing in paragraph (a).

(Question of the amendment proposed)

Division at the end.

Hon. Senators, there is a further amendment to Clause 17 by Sen. Andrew Omtatah Okoiti.

Sen. Ogola: Thank you, Madam Temporary Chairperson. On the instructions given by Sen. Okiya Omtatah. I beg to move—

THAT Clause 17 of the Bill be amended in subclause (3)(d) by deleting the words “translated to the local language and disseminated” appearing immediately after the words “where necessary” and substituting therefor the words “be translated to the respective local languages and disseminated to media outlets and.”

(Question of further amendment to Clause 17 proposed)

The Temporary Chairperson (Sen. Veronica Maina): The Division will be at the end. Once again, these two amendments can coexist because they are amending different subclauses of Clause 17.

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Clause 18

(Question, that Clause 18 be part of the Bill, proposed)

Division will be at the end.

Clause 19

The Temporary Chairperson (Sen. Veronica Maina): I call upon Sen. Okiya Omtatah to Move.

Sen. Ogola: Thank you, Madam Temporary Chairperson. On the same instructions by Sen. Okiya Omtatah, I beg to move—

THAT Clause 19 of the Bill be amended—

(d) by deleting the marginal note and substituting therefor the following new marginal note—

Annual reporting by the county executive committee member.

(e) in subclause (2) by—

(i) inserting the words “medications and supplements” immediately after the words “of health facilities” appearing in paragraph (b);

(ii) deleting paragraph (c) and substituting therefor the following new paragraph (c)—

(c) the number of health care providers in respective health facilities within the county and measures taken to enhance their number;

(iii) inserting the following new paragraph immediately after paragraph (c)—

(ca) maternal and neonatal deaths recorded in each county facility with an analysis of root causes and recommended interventions to address the causes;

(iv) by inserting the following new subclause immediately after subclause (5)—

(v) (f) (6) The county executive member shall submit the report under subsection (1) to the Cabinet Secretary within three months of the close of every financial year.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clause 20

(Question, that Clause 20 be part of the Bill, proposed)

The Division will be at the end.

Clause 21

Sen. Ogola: Thank you, Madam Temporary Chairperson. On the exact instructions by Sen. Okiya Omtatah. I beg to move-

THAT Clause 21 of the Bill be amended in subclause (2) by—

(a) deleting the word “periodic” appearing at the beginning of paragraph (a) and substituting therefor the words “a quarterly”;

(b) deleting the words “regularly undertake” appearing at the beginning of paragraph (b) and substituting therefor the word “quarterly”; and

(c) deleting the words “regularly collect and analyse” appearing at the beginning of paragraph (c) and substituting therefor the words “in each quarter, the collection and analysis of”;

(d) deleting the word “undertake” appearing at the beginning of paragraph (d); and

(e) deleting the word “identify” appearing at the beginning of paragraph (e) and substituting therefor the words “the identification of”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clauses 22 and 23

(Question, that Clauses 22 and 23 be part of the Bill, proposed)

Division will be at the end.

Clause 24

Sen. Ogola: Thank you, Madam Temporary Chairperson. Based on the same instructions by Sen. Okiya Omtatah, I beg to move-

THAT Clause 24 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(2A) The county executive committee member, the Kenya Medical Practitioners and Dentists Council, the Clinical Officers Council, the Nursing Council of Kenya and the Kenya Health Professions Oversight Authority shall, where they suspect a person to have committed an offence under subsection (2), refer the matter to the Directorate of Criminal Investigations for investigation.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

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Clause 25

Sen. Ogola: Thank you, Madam Temporary Chairperson. Based on the same instructions by Sen. Okiya Omtatah, I beg to move—

THAT Clause 25 of the Bill be amended in subclause (2) by—

(a) inserting the words “and neonatal” immediately after the words “reporting of maternal” appearing in paragraph (b); and

(b) inserting the following new paragraphs immediately after paragraph (e)—

(ea) prenatal health services;

(eb) prenatal, postpartum and neonatal counselling health services;

(ec) prenatal, postpartum and neonatal check-ups and follow-ups; and

(ed) referral of persons in prenatal, postpartum and neonatal care to referral health facilities.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clause 2

Sen. Mariam Omar: Thank you, Madam Temporary Chairperson. I beg to move— THAT Clause 2 of the Bill be amended—

a) in the definition of the term “maternal” by deleting the words “morbidity” means illness” appearing immediately after the words “days after childbirth”;

b) by deleting the definition of the term “unborn child”; and

c) by inserting the following new definitions in the proper alphabetical sequence—

“community health promoter” has the meaning assigned to it under section 2 of the Primary Health Care Act; and

“intersex child” means a child with a congenital condition in which the biological sex characteristics cannot be exclusively categorised in the common binary of female or male due to inherent and mixed anatomical patterns, which could be apparent prior to, at birth, or in childhood.

The Temporary Chairperson (Sen. Veronica Maina): Sen. Kibwana has made a further amendment to the clause.

Sen. Kibwana: Thank you, Madam Temporary Chairperson. I beg to move—

THAT Clause 2 of the Bill be amended by inserting the following new definitions in the proper alphabetical sequence—

“community health promoter” has the meaning assigned to it under section 2 of the Primary Health Care Act.

(Question of the further amendment proposed)

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The Temporary Chairperson (Sen. Veronica Maina): Division will be as the end.

Hon. Senators, there is a further amendment by Sen. Okiya Omtatah.

Sen. Ogola: Thank you, Madam Temporary Chairperson. Based on the same instructions by Sen. Okiya Omtatah. I beg to move—

THAT Clause 2 of the Bill be amended by—

(a) deleting the definition of the word “person with special needs” and substituting therefor the following new definition—

“person with special needs” means an individual with additional health needs and requires assistance above the regular health needs of the general population, occasioned by physical, medical, mental, psychological or financial challenges and includes a person from a marginalised area, registered refugee and internally displaced person; and

(b) inserting the following new definition immediately after the definition of the term “Cabinet Secretary”—

“consent” means the voluntary agreement by a patient to undergo a specific medical procedure or treatment after being fully informed of the risks, benefits, alternatives and potential outcomes.

(Question of the further amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end. Also note that the three amendments can coexist because they amend different areas of Clause 2 and do not conflict.

New Clause 26

Sen. Kibwana: Thank you, Madam Temporary Chairperson. I beg to move— THAT the Bill be amended by inserting the following New Clause immediately after Clause 25—

Amend 26. Section 226 of the Penal Code is amended by ment to section renumbering the existing provision as subsection (1) and inserting 226 of Cap. 63. the following new subsection after the renumbered subsection (1)—

(2) Subsection (1) shall not apply to a woman undergoing postpartum care under the Maternal, Newborn and Child Health Act.

The Temporary Chairperson (Sen. Veronica Maina): Sen. Kibwana, approach the Dispatch Box.

Sen. Kibwana: I beg to move that New Clause 26 be read a Second Time.

(Sen. Kibwana approached the dispatch box)

(Question of the New Clause 26 proposed)

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(New Clause 26 read the First Time)

*(Question, that New Clause 26 be read a
Second Time, proposed)*

*(Question, that New Clause 26 be
part of the Bill, proposed)*

Hon. Senators, Division at the end.

The Temporary Chairperson (Sen. Veronica Maina): Sen. (Dr.) Khalwale, also has a New Clause 26.

Sen. Ogola: Madam Temporary Chairperson, I represent Sen. (Dr.) Khalwale, I propose that the New Clause 26 be read a Second time.

THAT the Bill be amended by inserting the following new clauses immediately after clause 25—

Amendment . Section 2 of the Social Assistance Act is amended in the
to section 17 definition of the term “social assistance” by inserting the following
of Cap. new paragraph immediately after paragraph (d)—
258A. (da) care and welfare of children;

(Question of the New Clause 26 proposed)

(New Clause 26 read the First Time)

*(Question, that New Clause 26 be read a
Second Time, proposed)*

*(Question, that New Clause 26 be
part of the Bill, proposed)*

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end. The two clauses are not in conflict and can coexist.

New Clause 27

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker, I beg to move:
That Section 17 care and welfare of children of the Social Assistance Act is amended in subsection (3) by inserting the following new paragraph immediately after paragraph (b)—

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(ba) poor women caring for their children.

(Question of the New Clause 27 proposed)

(New Clause 27 read the First Time)

(Question, that New Clause 27 be read a Second Time, proposed)

(Question, that New Clause 27 be part of the Bill, proposed)

Division will be at the end.

The Title and Clause 1

*(Question, that the Title and Clause 1
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Hon. Senators, we are done with canvassing the clauses in the Bill on the Maternal, Newborn and Child Health Bill (Senate Bills No.17 of 2023).

Before we proceed, Serjeant-at-Arms, I direct that the Division Bell be rung for five minutes.

(The Division Bell was rung)

Serjeant-at-Arms, kindly ring the Division Bell for another three minutes.

(The Division Bell was rung)

Serjeant-at-Arms, close the Doors and draw the Bars.

(The Bars were drawn and the Doors closed)

Sen. Mariam Omar and Sen. Ogola, you can vote electronically for your respective delegations.

Hon. Senators, kindly resume your seats. We proceed to Division. Kindly pull out your cards log out and log in.

Serjeant-at-Arms, kindly collect all unattended logged in cards. We are proceeding to the first Division on the Maternal, Newborn and Child Health Bill (Senate Bills No.17 of 2023).

(A video played on a mobile phone)

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Hon. Senators, somebody's phone is playing a video of maybe a session that is happening elsewhere outside the Senate. We request you to switch off those sessions.

Sen. Lomenen, the fingers are pointing at you as the one playing the video. Can you switch off or pause it. We are proceeding to Division. Kindly log in and be ready to vote.

Hon. Senators, proceed to vote. We are on the Maternal, Newborn and Child Health Bill (Senate Bills No.17 of 2023). Proceed to vote on New Clause 26 and Clause 27. It is on the screen. The system is on.

(Hon. Senators proceeded to vote)

Hon. Senators, kindly finish your voting. It has now ended.

Sen. (Dr.) Lelegwe Ltumbesi, have you voted? Kindly come and vote.

(Sen. (Dr.) Lelegwe Ltumbesi approached the Dispatch box)

Hon. Senators, to minimize the time we shall use on voting, kindly be attentive and use the system unit, so that we do not have a back and forth.

Let us proceed to the next Division on clauses with amendments.

Let us proceed to vote.

(Voting in progress)

One Senator has not voted. Please confirm that you have voted.

(A video played on a mobile phone)

There is somebody still running a video inside the Chamber.

Sen. (Dr.) Boni Khalwale, you know that is not acceptable. You have to switch off the phone. Concentrate on the proceedings within the Senate.

We are proceeding to the next clause.

Proceed to vote.

(Hon. Senators proceeded to vote)

Hon. Senators, these are the results of the divisions on the Maternal, Newborn and Child Health Bill (Senate Bills No.17 of 2023).

THE MATERNAL, NEWBORN AND CHILD HEALTH BILL
(SENATE BILLS NO.17 OF 2023)

DIVISION

ELECTRONIC VOTING

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(Question, that New Clause 26 and New Clause 27 be now read a second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Lelegwe Ltumbesi; Samburu County; Sen. Lomenen, Turkana County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County and Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, the results of the Division are as follows-

AYES:32

NOES: Nil

ABSENTIONS: Nil

(Question carried by 32 votes to Nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 21, 24, 25 and 2 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Lelegwe Ltumbesi; Samburu County; Sen. Lomenen, Turkana County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru

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County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, the results of the Division are as follows-

AYES:33

NOES: Nil

ABSENTIONS: Nil

(Question carried by 33 votes to Nil)

(New Clause 26 and Clause 27 were read a Second Time)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3, 4, 5 (as amended), 6 (as amended by Sen. Boni Khalwale), 6 (as amended by Sen. Okoiti Omtatah), 7 (as amended by Chair), 7 (as amended by Sen. Okoiti Omtatah) 8 (as amended by Sen. Hamida Kibwana), 8 (as amended by Sen. Okoiti Omtatah), 9 (as amended by Sen. Boni Khalwale), 9 (as amended by Sen. Okoiti Omtatah), 10, 11 (as amended by Sen. Hamida Kibwana), 11 (as amended by Sen. Boni Khalwale), 12 (as amended by Sen. Hamida Kibwana), 12 (as amended by Sen. Okoiti Omtatah), 13 (as amended by Sen. Boni Khalwale), 13 (as amended by Sen. Okoiti Omtatah), 14 (as amended by Chair), 14 (as amended by Sen. Hamida Kibwana), 14 (as amended by Sen. Okoiti Omtatah), 15 (as amended by Chair), 15 (as amended by Sen. Okoiti Omtatah), 16 (as amended by Sen. Okoiti Omtatah), 17 (as amended by Chair), 17 (as amended by Sen. Okoiti Omtatah), 18, 19 (as amended), 20, 21 (as amended), 22, 23, 24 (as amended by Sen. Okoiti Omtatah), 25 (as amended), New Clause 26 (as amended by Sen. Boni Khalwale and Sen. Hamida Kibwana), New Clause 27, Clause 2 (as amended by Chair), Clause 2 (as amended by Sen. Hamida Kibwana), Clause 2 (as amended by Sen. Okoiti Omtatah), the Title and Clause 1, be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe Ltumbesi; Samburu County; Sen. Lomenen, Turkana County; Sen. Mariam Omar, Mandera County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Omogeni, Nyamira County; Sen. Onyonka,

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Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County and Sen. Wambua, Kitui County.

NOES: Nil

AYES: 34

NOES: Nil

ABSENTIONS: Nil

(Question carried by 34 votes to Nil)

Hon. Senator, we are proceeding to Division on the Gambling Control Bill (National Assembly Bills No.70 of 2023). I put the question that New Clauses 57A, 63A, 66A, 82A and 117A be now read a Second Time.

Hon. Senators, let us start voting.

(Hon. Senators proceeded to vote)

Hon. Senators, I put the question that Clauses 5, 7, 10, 11, 28, 31, 64, 66, 69, 71, 79, 87, 119, 123 and the Third Schedule be amended as proposed. Please proceed to vote.

(Hon. Senators proceeded to vote)

Hon. Senators, we are proceeding to the third Division in this Bill. I put the question on all clauses, as amended. Please proceed to vote.

(Hon. Senators proceeded to vote)

The Senate Minority Leader, kindly approach the Clerks' desk.

(Sen. Madzayo approached the Clerks' Desk)

That is okay, Sen. Madzayo. It was an error.

Sen. (Dr.) Lelegwe Ltumbesi is not even here. He left and I do not where he is.

Hon. Senators, these are the results of the Divisions of the Gambling Control Bill (National Assembly Bills No.70 of 2023).

THE GAMBLING CONTROL BILL (NATIONAL
ASSEMBLY BILLS NO.70 OF 2023)

DIVISION

ELECTRONIC VOTING

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*(Question, that, New Clauses 57A, 63A, 66A, 82A and 117A
be now read a Second Time, put and the Senate
proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County and Sen. Wambua, Kitui County.

NOES: Sen. Kavindu Muthama, Machakos County and Sen. Mariam Omar, Mandera County.

ABSTENTION: Sen. Boy, Kwale County; Sen. Dullo, Isiolo County and Sen. Faki, Mombasa County.

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, the results of the Division are as follows:

AYES: 29

NOES: 2

ABSTENTION: 3

The "Ayes" have it.

(Question carried by 29 votes to 2)

DIVISION

ELECTRONIC VOTING

*(Question, that, Clauses 5, 7, 10, 11, 28, 31, 64, 66, 69, 71,
79, 87, 119, 123 and the Third Schedule be amended as proposed,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County;

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Sen. Mwaruma, Taita-Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County and Sen. Wambua, Kitui County.

NOES: Sen. Kavindu Muthama, Machakos County and Sen. Mariam Omar, Mandera County;

ABSTENTIONS: Sen. Boy, Kwale County; Sen. Dullo, Isiolo County and Sen. Faki, Mombasa County;

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, the results of the Division are as follows:

AYES: 29

NOES: 2

ABSTENTION: 3

The "Ayes" have it.

(Question carried by 29 votes to 2)

DIVISION

ELECTRONIC VOTING

(Question, That Clauses 3, 4, 5(as amended), 6, 7, (as amended), 8, 9, 10 (as amended), 11(as amended), 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 (as amended),29, 30, 31(as amended), 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64 (as amended), 65,66 (as amended),67, 68, 69 (as amended), 70, 71(as amended), 72, 73, 74, 75, 76, 77, 78, 79 (as amended), 81, 82, 83, 84, 85, 86, 87 (as amended), 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119 (as amended), 120, 121, 122, 123 (as amended), New Clause 57A, New Clause 63A, New Clause 66A, New Clause 82A, New Clause 117A, the First Schedule, the Second Schedule, the Third Schedule (as amended), Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Omogeni, Nyamira

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County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Sen. Mariam Omar, Mandera County;

ABSTENTION: Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County and Sen. Kavindu Muthama, Machakos County.

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, the results of the Division are as follows-

AYES: 29

NOES: 1

ABSTENTIONS: 4

The "Ayes" have it.

(Question carried by 29 votes to 1)

We are now proceeding to the Tea (Amendment) Bill, (Senate Bills No.1 Of 2023).

THE TEA (AMENDMENT) BILL (SENATE BILLS NO.1 OF 2023)

New Clauses. We are in the first Division. I now put the Question that New Clause 2A and New Clause 5A be now read a Second Time. Please, proceed to vote.

(Hon. Senators proceeded to vote)

The Temporary Chairperson (Sen. Veronica Maina): Sen. Dullo, Sen. Wafula, Sen. Thang'wá and Sen. Kavindu Muthama, you have not voted on a crucial Bill. You need to approach the Dispatch Box and vote manually.

Sen. Thangwá, this Bill affects your county; come over.

(Sen. Dullo, Sen. Wafula, Sen. Thang'wá and Sen. Kavindu Muthama approached the Dispatch Box and voted)

Hon. Senators, please, resume your seats. We are going to the second Division.

Sen. Dullo and Sen. Thangwá, go back to your seats we want to go to the next Division.

(Sen. Dullo and Sen. Thang'wa resumed their seats)

I put the Question, that Clauses 3, 6, 7, 10, 11, 12, 13, 15 and 2 be amended as proposed put.

You may proceed to vote. Sen. Thangwá and Sen. Munyi Mundigi, proceed to vote for the Tea (Amendment) Bill (Senate Bills No.1 of 2023).

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Sen. Chesang', your county produces tea. Proceed and vote for the Bill.

(Voting in progress)

The Temporary Chairperson (Sen. Veronica Maina): Sen. Mundigi and Sen. Kavindu Muthama? Sen. Wakoli, please, come and vote. Sen. Madzayo, you have not voted. Come for assistance. Sen. Enock Wambua, come for support to vote manually.

Hon. Senators, we are proceeding to the final division on The Tea (Amendment) Bill (Senate Bills No.1 of 2023) on all Clauses.

I now put the Question, that Clause 3 (as amended), Clause 4, 5, 6 (as amended), Clause 7 (as amended), Clause 8, 9, Clause 10 (as amended), Clause 11 (as amended), Clause 12 (as amended), Clause 13 (as amended), Clause 14, Clause 15 (as amended), New Clause 2A, New Clause 5A, Clause 2A (as amended), the Title and Clause 1 be part of the Bill.

(Hon. Senators proceeded to vote)

The Temporary Chairperson (Sen. Veronica Maina): Sen. (Dr.) Khalwale, kindly approach the Dispatch Box.

(Sen. (Dr.) Khalwale walked to the Dispatch Box and voted)

THE TEA (AMENDMENT) BILL (SENATE BILLS NO.1 OF 2023)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3, 6, 7, 10, 11, 12,13, 15 and 2 be amended as proposed, put and the Senate proceeded to vote by county delegations)

AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula,

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Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, the results of the division are as follows-

AYES: 33

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 33 votes to Nil)

DIVISION

ELECTRONIC VOTING

(Question, that New Clause 2A and New Clause 5A be now read a Second Time, put and the Senate proceeded to vote by county delegations)

AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang’wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, the results of the division are as follows-

AYES: 33

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 33 votes to Nil)

DIVISION

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ELECTRONIC VOTING

(Question, that Clause 3(as amended), 4, 5, 6(as amended), 7(as amended), 8, 9 10(as amended), 11(as amended), 12(as amended) 13(as amended), 14, 15(as amended), New Clause 2A, New Clause 5A, Clause 2(as amended), the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by county delegations)

AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, the results of the division are as follows-

AYES: 34

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 34 votes to Nil)

The Temporary Chairperson (Sen. Veronica Maina): That brings us to an end of the results for the three Bills that we have proceeded with. Let us now proceed to have reports, beginning with The Gambling Control Bill (National Assembly Bills No.70 of 2023).

THE GAMBLING CONTROL BILL (NATIONAL
ASSEMBLY BILLS NO.70 OF 2023)

The Temporary Chairperson (Sen. Veronica Maina): I call upon the Mover to come and report.

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the

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Gambling Control Bill (National Assembly Bills No.70 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE TEA (AMENDMENT) BILL
(SENATE BILLS NO.1 OF 2023)

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the Tea (Amendment) Bill (Senate Bills No.1 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Veronica Maina): We are proceeding to the third Bill, the Maternal, Newborn and Child Health, Bill (Senate Bills No.17 of 2023). I now invite the Mover to report.

THE MATERNAL, NEWBORN AND CHILD HEALTH, BILL
(SENATE BILLS NO.17 OF 2023)

Sen. Ogola: Thank you, Mr. Temporary Chairperson. I beg to Move that the Committee do report to the Senate its consideration of the Maternal, Newborn and Child Health Bill (Senate Bills No.17 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Speaker (Sen. Wakili Sigei)
in the Chair]*

The Temporary Speaker (Sen. Wakili Sigei): Order, hon. Members. Let us resume our seats. Hon. Members, we are now going to report progress on the Bills considered in the Committee of the Whole. We shall start with the Gambling Control Bill (National Assembly Bills No.70 of 2023). I call upon the Chairperson to proceed.

CONSIDERATION OF REPORTS

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THE GAMBLING CONTROL BILL
(NATIONAL ASSEMBLY BILLS NO.70 OF 2023)

Sen. Veronica Maina: Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered the Gambling Control Bill (National Assembly Bills No.70 of 2023) and its approval thereof with amendments.

The Temporary Speaker (Sen. Wakili Sigei): Mover?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

I request Sen. Oketch Gicheru to second.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Wakili Sigei): I call upon the Mover to proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I beg to move that the Gambling Control Bill (National Assembly Bills No.70 of 2023) be now read a Third Time.

I request Sen. Sifuna to second.

Sen. Sifuna: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, Division will be at the end.

We will move to the second one, The Tea (Amendment) Bill (Senate Bills No.1 of 2023).

THE TEA (AMENDMENT) BILL
(SENATE BILLS NO.1 OF 2023)

Sen. Veronica Maina: Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered The Tea (Amendment) Bill, (Senate Bills No.1 of 2023) and its approval thereof with amendments.

The Temporary Speaker (Sen. Wakili Sigei): I will call upon the Senate Majority Leader, who will move on behalf of the mover.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee on the said Report.

I request Senator Eddie Oketch to second.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I second.

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(Question proposed)

(Question put and agreed)

The Temporary Speaker (Sen. Wakili Sigei): I call upon again the mover to proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I beg to move that The Tea (Amendment) Bill, (Senate Bill No.1 of 2023), be now read a Third Time.

I request Senator Osotsi Godfrey, to second.

Sen. Osotsi: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Division will be at the end.

We now move to the third reporting on the Bill considered in the Committee of the Whole; The Maternal, Newborn and Child Health Bill (Senate Bill No.17 of 2023).

I call upon the Chairperson to report.

THE MATERNAL, NEWBORN AND CHILD HEALTH BILL
(SENATE BILLS NO.17 OF 2023)

Sen. Veronica Maina: I beg to report that the Committee of the Whole has considered The Maternal, Newborn and Child Health Bill, (Senate Bills No.17 of 2023) and its approval thereof with amendments.

Sen. Ogola: Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

(Question proposed)

(Question put and agreed to)

Sen. Ogola: Mr. Temporary Speaker, Sir, I beg to move that The Maternal, Newborn and Child Health Bill, (Senate Bill No.17 of 2023), be now read a Third Time.

I request Senator Boni Khalwale to second.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, with great appreciation of our industry, I second the Nominated Senator from Homa Bay, Beatrice Ogola Oyoma.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Division at the end.

Hon. Senators, we are proceeding to do electronic voting one after the other. We will start with The Gambling Control Bill (National Assembly Bills No.70 of 2023); followed by the Tea (Amendment) Bill (Senate Bills No.1 of 2023); and lastly, the

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Maternal, Newborn, and Child Health Bill (Senate Bills No.17 of 2023). We will thereafter announce the results of the same.

Members, you may now log out as we prepare for electronic voting. Please log out and log in. Serjeant-at-Arms, you may pick the unattended cards from the delegates unit.

THIRD READINGS

THE GAMBLING CONTROL BILL (NATIONAL
]ASSEMBLY BILLS NO.70 OF 2023)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Tabitha Keroche! Sen. Tabitha Keroche! Sen. Seki, please, alert Sen. Tabitha Keroche to approach the Clerks' Table to vote.

(Sen. Tabitha Keroche approached the Clerks' Table)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, we are now going to the second vote on the Tea (Amendment) Bill (Senate Bills No.1 of 2023). Hon. Members, you can now start to vote.

(Hon. Senators proceeded to vote)

Hon. Senators, we can now proceed to the third and last vote on the Maternal, Newborn and Child Health Bill (Senate Bills No.17 of 2023).

(Hon. Senators proceeded to vote)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Wambua, kindly be assisted to vote.

(Sen. Wambua approached the Dispatch Box and voted)

Hon. Senators, we now have the results of the vote of the three Bills. We will start with the Gambling Control Bill (National Assembly Bills No.70 of 2023).

THIRD READINGS

THE GAMBLING CONTROL BILL (NATIONAL
ASSEMBLY BILLS NO.70 OF 2023)

DIVISION

ELECTRONIC VOTING

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(Question, that the Gambling Control Bill (National Assembly Bills No.70 of 2023) be now read a Third Time put, and the Senate proceeded to vote by County Delegation)

AYES: Sen. Abas, Wajir County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Faki, Mombasa County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang’wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Kitui County.

NOES: Sen. Mariam Omar, Mandera County.

ABSTENTIONS: Sen. Dullo, Isiolo County and Sen. Kavindu Muthama, Machakos County.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, the results are as follows: -

AYES: 31

NOES: 1

ABSTENTIONS: 2

The “Ayes” have it.

(Question carried by 31 votes to 1)

(The Bill was accordingly read a Third Time and passed)

THIRD READING

THE TEA (AMENDMENT) BILL (SENATE BILLS NO.1 OF 2023)

DIVISION

ELECTRONIC VOTING

(Question, that the Tea (Amendment) Bill (Senate Bills No.1 of 2023) be now read a Third Time put, and the Senate proceeded to vote by County Delegation)

AYES: Sen. Abas, Wajir County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen.

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Chesang, Trans Nzoia County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Kitui County.

NOES: Nil

ABSTENTIONS: Nil

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, the results are as follows: -

AYES: 33

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 33 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

THIRD READING

THE MATERNAL, NEWBORN AND CHILD HEALTH BILL
(SENATE BILLS NO.17 OF 2023)

DIVISION

ELECTRONIC VOTING

*(Question, that the Maternal, Newborn and Child Health Bill
(Senate Bills No. 17 of 2023) be read a Third Time put,
and the Senate proceeded to vote by County Delegations)*

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AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Mariam Omar, Mandera County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang’wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Bungoma County.

NOES: Nil.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, these are the results for the Maternal, Newborn and Child Health Bill (Senate Bills No. 17 of 2023) are as follows:

AYES: 33

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 33 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

The Temporary Speaker (Sen. Wakili Sigei): Serjeant-at-Arms, you may now open the doors and withdraw the Bars.

(The Bars were undrawn and doors opened)

Order, Hon. Members, as you walk out, do so in silence.

For the convenience of the House, Orders No.13, 14, 15, 16, 17 and 18 were called out earlier on and are now going to be deferred to the next sitting.

COMMITTEE OF THE WHOLE

THE METEOROLOGY BILL (SENATE BILLS No.45 OF 2023)

(Committee of the Whole deferred)

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COMMITTEE OF THE WHOLE

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.59 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE CANCER PREVENTION AND CONTROL (AMENDMENT)
(NO.2) BILL (NATIONAL ASSEMBLY BILLS NO.45 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL
(SENATE BILLS NO.40 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL
(SENATE BILLS NO.55 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL
(NATIONAL ASSEMBLY BILLS NO.44 OF 2023)

(Committee of the Whole deferred)

The Temporary Speaker (Sen. Wakili Sigei): We will now call out Order No.19.

BILL

Second Reading

THE POLITICAL PARTIES (AMENDMENT) (NO.2) BILL
(SENATE BILLS NO.26 OF 2024)

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(Sen. Cheruiyot on 4.7.2024)

(Resumption of debate interrupted on 3.10.2024)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, at the adjournment of the House in our last Sitting, Sen. Godffrey Osotsi, MP, had a balance of 10 minutes to conclude on his contribution on the Bill.

You may proceed.

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir, I am not sure where I stopped, but I was making a comment on the functions of the Independent Political Parties Regulatory Commission on the issue of funding of political parties. I said that funding of political parties must be re-looked at, in the sense that only parties which comply to the Political Parties Act should be funded. The current arrangement is that some small political parties, which are not fully compliant still receive funding from the national Government. This is trying to fund non-compliance.

The issue of regulating political party nominations in accordance with the Act, I believe that this Act will propose regulations on how this is going to be done, because we want parties to remain independent entities and should not be under the direction of any authority. This is because, if we allow political party decisions to be made by another body, the party will lose its internal democracy that we are seeking to have in all political parties.

The matter of membership of political parties has been a major concern, and I hope that this Commission will address the problem of membership, so that we do not have scenarios where an individual belongs to several or multiple political parties and all that data is kept at the office of the Registrar of Political Parties. The commission should seek to resolve this problem so that we know that a particular person belongs to a particular party and not to parties.

The amendment in Section 35(b) proposes that the President appoint five commissioners with the approval of the National Assembly.

I want to support Sen. Cherarkey, who said we need to amend this because we cannot legislate ourselves out of work by passing a Bill about the National Assembly.

Mr. Temporary Speaker, Sir, political parties affect everyone, including us Senators. Senate Majority Leader, I know this is a National Dialogue Committee (NADCO) Bill, but we will have to amend it. Both houses must process this appointment. The membership includes two members from the ruling coalition or majority party, two members from the minority coalition, and one member from the non-parliamentary parties. That arrangement is good, but I hope we will not get into the situation we had when processing membership to the Independent Electoral and Boundaries Commission (IEBC).

We had a dispute, which must not recur again when appointing the Commission's members, so there must be clear regulations on how this process will be conducted.

I am also happy that this Bill on transition Clauses 7 and 8 proposes that the new Commission will absorb the current persons working at the registrar of political parties.

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This is an important proposal because we do not want people to lose their jobs because the organisation is turning into another entity. This is progressive, but overall, this idea of having an Independent Political Parties Regulatory Commission is long overdue because now the regulation of political parties is not going to be in the hands of one individual like it is now, but in the hands of a commission of five people.

Mr. Temporary Speaker, Sir, I support the Bill, with that one single amendment on Clause 35(b).

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Osotsi. Since there is no other Member, I will call upon the Senate Majority Leader to reply.

Before you take the microphone, pursuant to Standing Order No.(34)(2)(a), I will extend the sitting beyond 6.30 p.m. for not more than five minutes to allow you to conclude your reply.

The Senate Majority Leader (Sen. Cheruiyot): Thank you. Mr. Temporary Speaker, Sir. I will not even do the entire five minutes. I will be brief.

First, I want to thank all the colleagues who have spoken to this Bill; Sen. Cherarkey, Sen. Osotsi, Sen. (Prof.) Tom Ojienda and quite a number of Senators have spoken about this extremely important Bill.

I do not see how, as a politician and more so a Member of Parliament, you can fail to have a say in how political parties run. I do not know why Sen. Osotsi is concerned about the amendment from the National Assembly to read Parliament. I thought I had been clear and quite unequivocal about it. Anytime any Committee of this House considers any legislation, anywhere that is written, this report is submitted to the National Assembly; it must always read Parliament. I have said that many times on this Floor.

I hope Sen. Chesang', the Chairperson of the Committee on Information, Communication and Technology, Sen. Mandago, the Chairperson of the Committee on Health, and all the chairpersons present note that nothing does not concern counties.

That is a lie that one day we will rectify constitutionally, but in the meantime, we must rectify the same by statute. We cannot pass a law here, and I do not foresee any way to sit here as Senators and pass a law that gives work to only one House. Anything that Kenyans concern devolution.

Therefore, I want to challenge all our colleagues that we will have to do this until the drafters of many of these Bills begin to appreciate that Kenya has a bicameral Parliament.

Mr. Temporary Speaker, Sir, you are a legal scholar. Sen. (Prof.) Ojienda here knows that when you read how Parliament, the National Assembly, and the Senate are sometimes used interchangeably in the Constitution, you can tell that by spirit, it was intended to read Parliament nearly all through.

Only by editing or lack of proper attention to detail in the drafting of some of those clauses do you find that on certain provisions or certain offices, it is said that Parliament shall legislate, or Parliament shall approve on others, it says National Assembly. Therefore, this is something that we have spoken about, and we have gone to great lengths to speak about.

On the rest, I hope that the Committee on Justice, Legal Affairs and Human Rights, considering this Bill, will listen and consider the memorandum sent, which I pointed out in my moving notes, by the current Office of the Registrar of Political Parties.

She shared with me, and that I must declare this: comparable jurisdictions that have moved from having a registrar as set up in Kenya to being an independent commission as is being proposed in this Bill. I wish to be bound by the collective wisdom of the Committee on Justice, Legal Affairs and Human Rights on which of the two models would work. What is proposed in the Bill, or how can this Bill be made better?

Mr. Temporary Speaker, Sir, with those many remarks, I beg to reply.

Finally, I beg to request to you that under Standing Order No.(66)(3), you defer the putting of question until a later date.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Majority Leader. Putting of the question as regards this Bill, is deferred to the next sitting of the House.

Let us rise.

(Putting of the question on the Bill deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, it is now 6.32p.m. Having concluded the business for which I extended the time of sitting, pursuant to Standing Order No.34(2)(a), the Senate stands adjourned until Wednesday 9th October, 2024, at 9.30 a.m.

The Senate rose at 6.32 p.m.