



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, MAY 13, 2025 AT 2.30 PM

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM OF THE SENATE**

The Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

And there being a Quorum before the expiry of the ten minutes;

The Speaker invited the Clerk to call the Orders of the day.

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair:

- a) **Substantiation of a statement made by Sen. Samson Cherarkey, MP, during the sitting of the Senate held on Thursday, 8th May, 2025**

“Honourable Senators,

As you may recall, at the Sitting of the Senate held on Thursday, 8th May, 2025, the Temporary Speaker (Sen. Veronica Maina, MP) directed Sen. Samson Cherarkey, MP, to substantiate utterances made in the course of his contribution to the Motion on consolidation of bursary funds for equitable access to education in Kenya. The direction was as a result of a Point of Order by Nominated Senator, Sen. Raphael Chimera, MP, pursuant to Standing Order 105.

As Honourable Senators are aware, Standing Order 105 provides that –

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

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

Honourable Senators,

In the course of debate on the Motion at hand, Sen. Cherarkey, MP, made the following comment –

“----My governor is notorious. He has changed Nandi from being source of champions to source of corruption, where they write cheques that bounce and some to places that do not exist. They exist up there.”

It is at this point that Nominated Senator (Sen. Raphael Chimera, MP) raised a Point of Order pursuant to Standing Order 105 to require Sen. Cherarkey, MP to substantiate his claim.

Honourable Senators,

Sen. Cherarkey, MP, was not able to substantiate his statement as required pursuant to Standing Order 105(1), and subsequently requested the Temporary Speaker (Sen. Veronica Maina, MP) to provide the evidence at the next sitting day in accordance with Standing Order 105 (2). Having acceded to the request, the Temporary Speaker (Sen. Veronica Maina, MP) directed that the Senator substantiates the allegation at the next sitting day.

Pursuant to Standing Order 105 (2), I now invite Sen. Samson Cherarkey, MP to forthwith substantiate the claim, as raised in the Point of Order by Sen. Raphael Chimera, MP, failure to which, Sen. Cherarkey, MP shall be deemed to be disorderly within the meaning of Standing Order 121. In the absence of such substantiation, the Senator will be required to withdraw the statement and apologize to the Senate.

I thank you.”

Thereupon, Sen. Samson Cherarkey, MP, requested the Speaker to grant him more time to table evidence for substantiation of his claim. The Senator informed the Senate that he had been denied access to his office located at Kenyatta International Convention Centre (KICC) due to lack of payment of rent by the Parliamentary Service Commission (PSC).

And the Speaker acceding to the request, appointed Thursday 15th May, 2025 as the day on which the Senator will table the evidence for substantiation.

b) Visiting teachers and students from St. Hannah’s Girls School in Nairobi City County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and students from St. Hannah’s Girls School in Nairobi County. The delegation comprises two (2) teachers and thirty (30) students, who are in the Senate for a one-day academic exposition.

Honourable Senators,

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

c) Visiting teachers and students from St. Francis Katangi Boys in Machakos County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and students from St. Francis Katangi Boys in Machakos County. The delegation comprises two (2) teachers and forty-nine (49) students, who are in the Senate for a one-day academic exposition.

Honourable Senators,

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

5. PAPERS LAID

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

- i. Statement by the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights relating to the activities of the Committee for the period, January to April, 2025.

(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

- ii. Statement by the Chairperson, Standing Committee on Information, Communication and Technology relating to the activities of the Committee for the period, January to April, 2025.

(The Chairperson, Standing Committee on Information, Communication and Technology)

- iii. Statement by the Chairperson, Standing Committee on Land, Environment and Natural Resources relating to the activities of the Committee for the period, January to April, 2025.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources)

- iv. Statement by the Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration relating to the activities of the Committee for the period, January to April, 2025.

(Sen. Betty Montet, MP on behalf of the Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration)

- v. Statement by the Chairperson, Standing Committee on National Security, Defence and Foreign Relations relating to the activities of the Committee for the period, January to April, 2025.

(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

6. **STATEMENTS**

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

- i. Nominated Senator (Sen. Catherine Mumma, MP) sought a Statement from the Standing Committee on Health regarding the prevalence of cholera across the country.
- ii. Nominated Senator (Sen. Catherine Mumma, MP) sought a Statement from the Standing Committee on Information, Communication and Technology concerning the increasing cases of data protection abuse by some dealers in electronic devices.
- iii. Nominated Senator (Sen. Gloria Orwoba, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the state of passenger safety in Public Service Vehicles (PSVs).
- iv. The Senator for Kisumu County (Sen. (Prof). Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the ongoing construction of dykes along River Sondu Miriu.
- v. The Senator for Nyandarua County (Sen. John Methu, MP) sought a Statement from the Standing Committee on Finance and Budget concerning the utilization of public funds allocated to the Dandora Wastewater Treatment Plant.
- vi. Request for Statement by the Senator for Mandera County (Sen. Ali Ibrahim Roba, MP) from the Standing Committee on National Security,

Defence and Foreign Relations regarding the deteriorating security situation in Mandera County and the wider North Eastern Region was deferred.

b) Statement pursuant to Standing Order 56 (1) (a)

The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights made a Statement relating to the nomination and vetting of the Chairperson and Members of the Independent Electoral and Boundaries Commission (IEBC).

In the Statement, the Chairperson informed the Senate that following the enactment of the Independent Electoral and Boundaries Commission (Amendment) Act, 2024, a Selection Panel had been constituted and had submitted its report to the President on 6th May, 2025. The President subsequently forwarded the names of the nominees for the IEBC Chairperson and Members to Parliament on 9th May, 2025, for consideration.

The Chairperson commended the Selection Panel for its diligent work and applauded the President for acting promptly, noting the IEBC positions had remained vacant since early 2023. He explained that the nomination and vetting process was governed by the Constitution and relevant Acts and that the National Assembly was mandated to conduct the vetting process, which was already underway.

The Chairperson however expressed concern over the exclusion of the Senate in processes that had an impact on both levels of government, specifically making reference to boundary delimitation. He argued that the Senate should be involved in vetting IEBC Commissioners due to its constitutional role in protecting county interests. He also expressed concern that the existing laws give the National Assembly exclusive approval powers, including regulations under the Elections Act, which had originally been intended as a transitional measure for the 2013 elections.

The Chairperson cited further instances where the National Assembly had unilaterally amended laws such as the Treaty Making and Ratification Act, to remove the Senate's role. He concluded by calling on the Senate to resist these efforts and to remain firm in defending its role as outlined in Article 96 of the Constitution.

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

- i. The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights, made a Statement relating to the activities of the Committee for the period, January to April, 2025.
- ii. The Chairperson, Standing Committee on Information, Communication and Technology, made a Statement relating to the activities of the Committee for the period, January to April, 2025.

- iii. The Chairperson, Standing Committee on Land, Environment and Natural Resources, made a Statement relating to the activities of the Committee for the period, January to April, 2025.
- iv. Nominated Senator (Sen. Betty Montet, MP) on behalf of the Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration made a Statement relating to the activities of the Committee for the period, January to April, 2025.
- v. The Chairperson, Standing Committee on National Security, Defence and Foreign Relations, made a Statement relating to the activities of the Committee for the period, January to April, 2025.

7. **THE SOCIAL PROTECTION BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2025)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Labour and Social Welfare.

8. **MOTION - CONSOLIDATION OF BURSARY FUNDS FOR EQUITABLE ACCESS TO EDUCATION IN KENYA**

Order read;

Motion made and Question proposed;

THAT AWARE THAT, Pursuant to Article 53 of the Constitution, every child in Kenya is entitled to free and compulsory basic education, and the Basic Education Act provides that, basic education should be guided by principles such as equitable access to all youth and equal access to education or institutions;

FURTHER AWARE THAT, many students in secondary schools and higher education institutions come from financially disadvantaged backgrounds, making it difficult for them to afford school fees and access education opportunities;

NOTING THAT, over the years, various interventions have been made, including the issuance of bursaries through the National Government Constituency Development Fund (NCDF), National Government Affirmative Action Fund (NGAAF), the Ministry of Education and county governments through various county bursary funds;

CONCERNED THAT, despite these efforts, schools fees remain unaffordable for many parents and the allocation of bursaries has been plagued by nepotism, favoritism, and political manipulation, lack of transparency and accountability;

FURTHER CONCERNED THAT public learning institutions are primarily funded by the Government through the Ministry of Education, and in the financial year 2024/25, approximately Kshs. 656 billion was allocated to the education sector, making it difficult to ascertain the specific funds granted to each student and that the lack of transparency in the disbursement of bursaries from various agencies makes it difficult to determine the total amount allocated in a financial year, thus hindering efforts to ensure equitable access to education for financially disadvantaged students;

NOW THEREFORE, the Senate urges the Ministry of Education, to:

- 1) audit the funds allocated to bursaries by both the National Government and county governments;
- 2) consolidate the funds distributed by various government entities and agencies, with the aim of directing these funds directly to schools as supplementary capitation to facilitate the achievement of free secondary education; and
- 3) calculate the cost of education per learner and make this information public for primary, secondary, and tertiary institutions, including a detailed breakdown of the annual financial requirements for each student across the country.

(Sen. Karungo Thangwa, MP – 07.05.2025)

Debate interrupted on Thursday, 8th May, 2025 resumed for the Question to be put;

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

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

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT AWARE THAT, Pursuant to Article 53 of the Constitution, every child in Kenya is entitled to free and compulsory basic education, and the Basic Education Act provides that, basic education should be guided by principles such as equitable access to all youth and equal access to education or institutions;

FURTHER AWARE THAT, many students in secondary schools and higher education institutions come from financially disadvantaged backgrounds, making it difficult for them to afford school fees and access education opportunities;

NOTING THAT, over the years, various interventions have been made, including the issuance of bursaries through the National Government Constituency Development Fund (NCDF), National Government Affirmative Action Fund (NGAAF), the Ministry of Education and county governments through various county bursary funds;

CONCERNED THAT, despite these efforts, schools fees remain unaffordable for many parents and the allocation of bursaries has been plagued by nepotism, favoritism, and political manipulation, lack of transparency and accountability;

FURTHER CONCERNED THAT public learning institutions are primarily funded by the Government through the Ministry of Education, and in the financial year 2024/25, approximately Kshs. 656 billion was allocated to the education sector, making it difficult to ascertain the specific funds granted to each student and that the lack of transparency in the disbursement of bursaries from various agencies makes it difficult to determine the total amount allocated in a financial year, thus hindering efforts to ensure equitable access to education for financially disadvantaged students;

NOW THEREFORE, the Senate urges the Ministry of Education, to:

- 1) audit the funds allocated to bursaries by both the National Government and county governments;
- 2) consolidate the funds distributed by various government entities and agencies, with the aim of directing these funds directly to schools as supplementary capitation to facilitate the achievement of free secondary education; and
- 3) calculate the cost of education per learner and make this information public for primary, secondary, and tertiary institutions, including a detailed breakdown of the annual financial requirements for each student across the country.

9. **THE PROVISION OF SANITARY TOWELS BILL (SENATE BILLS NO. 7 OF 2024)**

(Sen. Gloria Orwoba, MP)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 16th April, 2025 –
Afternoon Sitting)***

(Division)

Order deferred.

10. **THE SPORTS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2024)**

(Sen. Edwin Sifuna, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 17th April, 2025)

(Division)

Order deferred.

11. **THE SPORTS (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 45 OF 2024)**
(Sen. (Prof.) Tom Ojienda, MP and Sen. Raphael Chimera, MP)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 7th May, 2025 –
Afternoon Sitting)
(Division)***

Order deferred.

12. **THE CREATIVE ECONOMY SUPPORT BILL (SENATE BILLS NO. 30 OF 2024)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Creative Economy Support Bill (Senate Bills No. 30 of 2024) be now read a Second Time.

(Sen. Eddy Oketch, MP)

Debate arising;

And the time being thirty Minutes past six O'clock, the Temporary Speaker (Sen. Catherine Mumma, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

13. **SENATE ROSE** – at thirty Minutes past six O'clock

MEMORANDUM

The Speaker will take the Chair on
Wednesday, May 14, 2025 at 9.30 a.m.

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