

COMMUNICATION FROM THE CHAIR

THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE GOVERNOR OF KERICHO COUNTY

1. Honourable Senators, I have the following communication to make-
2. By a letter dated 15th May, 2014 (*Ref: KCA/Gov/Vol.(I)*) and received in the Office of the Speaker of the Senate on Friday, 16th May, 2014, the Speaker of the County Assembly of Kericho informed the Speaker of the Senate of the approval of a Motion by the County Assembly of Kericho for the removal from office, by impeachment, of the Governor of Kericho County.
3. In terms of Article 181 of the Constitution, section 33(3)(a) of the County Governments Act, 2012 and standing order 68(1)(a) of the Senate Standing Orders, the Speaker of the Senate is required “*within seven days after receiving notice of a resolution from the speaker of a county assembly to convene a meeting of the Senate to hear charges against the Governor.*”

4. It is in this respect that I convened this special sitting of the Senate by *Gazette* Notice No. 3378 of 20th May, 2014 which was carried in a Special Issue of the Kenya *Gazette* of the same day.
5. Section 33(3)(b) of the County Governments Act and standing order 68(1)(b) both provide that at this sitting, the Senate, by Resolution, may appoint a special committee comprising eleven of its members to investigate the matter. Indeed, Honourable Senators will observe in today's Order Paper that pursuant to these provisions of the law, the Senate Majority Leader will be giving Notice of a Motion for the establishment of a Special Committee. You will also observe that the Motion has, with the approval of the Speaker, been listed on the Order Paper.
6. Honourable Senators, should the Motion for the establishment of the Special Committee pass, the Special Committee will be required, under section 33(4) of the County Governments Act and standing order 68(2), to investigate the matter and to report to the Senate within ten days, on whether it finds the particulars of the allegations against the Governor to have been substantiated. If, however, the Motion for the establishment of a Special Committee does not pass, the Senate shall proceed to investigate and consider the matter in Plenary. The Resolution of the Senate on the Motion by the Senate Majority Leader will therefore determine the manner in which this matter shall henceforth proceed.

7. It is noteworthy, and I wish to emphasize to all Honourable Senators, that debate on the Motion shall be limited to the substance of the Motion namely, whether to establish a Special Committee consisting of the Senators listed to investigate the proposed removal of the Governor of Kericho County. It is not a Motion on the 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 not a debate on the facts of the matter or their merits. It is, therefore, not permissible to deviate to any matters other than the Motion before the Senate.

8. Honourable Senators, I have previously stated in this House that the hearing of charges for the proposed removal of office of a Governor is one of the most important and also most solemn functions of the Senate under the Constitution. I therefore urge, once again, that the Senate exercises the highest level of responsibility and circumspection on this matter in Plenary and also, should the Motion by the Senate Majority Leader pass, in the Special Committee.

I thank you.

SEN. EKWEE ETHURO, E.G.H, M.P.,

THE SPEAKER OF THE SENATE.

23rd MAY, 2014

