

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 17th September, 2019

*(Convened via Kenya Gazette Notice
No.8549 of 10th September, 2019)*

*The House met at Kitui County Assembly
Chamber, Kitui, at 2.30 p.m.*

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

PRAYER

Sen. Olekina: Thank you, Mr. Speaker, Sir. I am quite happy that the Senate in totality has rejected what was signed today because Article 113 of the Constitution is very clear in terms of each House debating the mediated version of the Bill. So, it will be very important for us to know which version of the Bill was forwarded to the President.

Mr. Speaker, Sir, I would also like to request that the HANSARD of these proceedings today be submitted to our Legal Counsel, so that it can be presented in our matter. This is because what we are trying to avoid is something that in Law is called *ex turpi causa non oritur actio*, which means that if we agree today, then, we will not have any case tomorrow in arguing as to why the law was settled very clearly; that there cannot be an Appropriation Act before the Division of Revenue Act (DORA).

Mr. Speaker, Sir, this is a matter that is very important for the history of this country. I am quite happy that the distinguished Senators are all standing up with Kenyans; that we cannot continue allowing an Executive to act as if we are back to an era of dictatorship.

My dear colleagues, if we sit and let the Executive run the way it is running today with the National Assembly, then we will be back to an era where the dictator will always have his way. It is sad that in this era, when this House does its work as provided for by the Constitution, it is ignored. So, for me to sit, it will be imperative that you tell us which version of the Bill you signed on this issue called Vellum for it to be sent to the President. That will ensure that at least we can also be assured that when we come here and spend our time in terms of representing those people who have elected us, and have a lot of faith in us, we are not doing it in vain.

Thank you, Mr. Speaker, Sir.

What is your point of order Sen. Olekina?

Sen. Olekina: On a point of order, Mr. Speaker, Sir. I heard very clearly and I think the next order is supposed to be a Petition.

The Speaker (Hon. Lusaka): It is a Petition.

Sen. Olekina: Mr. Speaker, Sir, I have heard my sister say she wants to lay a Paper, and so, I am a bit confused.