

THE UNIVERSITIES (AMENDMENT) BILL, 2014

A Bill for

AN ACT of Parliament to amend the Universities Act
and for connected purposes.

ENACTED by the Parliament of Kenya, as follows-

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| <p>1. This Act may be cited as the Universities (Amendment) Act, 2014.</p> | <p>Short title.</p> |
| <p>2. The Universities Act, in this Act referred to as “the principal Act”, is amended in paragraph (d) of section 3(1) by inserting the words “and county” immediately after the words “of national”.</p> | <p>Amendment of section 3 of No. 42 of 2012.</p> |
| <p>3. Section 5 of the principal Act is amended in paragraph (b) of sub-section (1) by inserting the words “including the provision of university education in each of the counties” at the end of the sub-section.</p> | <p>Amendment of section 5 of No. 42 of 2012.</p> |
| <p>4. Section 26 of the principal Act is amended by-</p> <p>(a) re-numbering the existing provision as sub-section (1); and</p> <p>(b) inserting the following new sub-sections immediately after sub-section (1)-</p> <p>(2) In performing its functions under this section, the Commission shall liaise with the county governments.</p> <p>(3) As soon as practicable after the end of each financial year, the Commission shall submit a report to Parliament on the status of the establishment of public universities in the counties.</p> <p>(4) The Senate or the National Assembly may require the Commission to submit a report on the establishment of public universities in the counties at any other time.</p> | <p>Amendment of section 26 of No. 42 of 2012.</p> |

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to amend the Universities Act, No. 42 of 2012, so as to provide for liaison and coordination between the Commission for University Education and the county governments on matters of provision of university education at the county level of government. The Bill further proposes to amend section 26 of the Universities Act so as to require the Commission to report to the National Assembly and the Senate on the progress made in the establishment of public universities in the counties. The establishment of public universities in each of the counties would ensure equitable access to university education in all the counties. The universities would then provide centres for research and innovation that would address the needs of the national government as well as the county governments.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement of how the Bill concerns County Governments

The principal focus of this Bill is the provision of university education in each of the counties so as to promote learning, knowledge, research and innovation in the counties. Such knowledge and research would be of great benefit to the county governments in the execution of their functions under Part 2 of the Fourth Schedule to the Constitution, including functions relating to agriculture, county health services, county transport, trade development, county planning and development, pre-primary education and county public works, among others. The county governments would benefit from research and innovation as they perform their functions under the Constitution. The Bill is therefore one that concerns county governments in terms of Article 110(1)(a) of the Constitution as its provisions affect the functions and powers of county governments as set out in the Fourth Schedule to the Constitution.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

The Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 18th June, 2014.

HALIMA ABDILLE,
Senator.

Section 3 of No. 42 of 2012 which it is proposed to amend-

3. Objectives of university education

(1) The objectives of university education shall include—

- (a) advancement of knowledge through teaching, scholarly research and scientific investigation;
- (b) promotion of learning in the student body and society generally;
- (c) promotion of cultural and social life of society;
- (d) support and contribution to the realization of national economic and social development;
- (e) promotion of the highest standards in, and quality of, teaching and research;
- (f) education, training and retraining higher level professional, technical and management personnel;
- (g) dissemination of the outcomes of the research conducted by the university to the general community;
- (h) facilitation of life-long learning through provision of adult and continuing education;
- (i) fostering of a capacity for independent critical thinking among its students;
- (j) promotion of gender balance and equality of opportunity among students and employees; and
- (k) promotion of equalization for persons with disabilities, minorities and other marginalized groups.

(2) In the discharge of its functions and the exercise of its powers under this Act, a university shall be guided by the national values and principles of governance set out under Article 10 of the Constitution, and shall in that regard—

- (a) promote quality and relevance of its programmes;
- (b) enhance equity and accessibility of its services;
- (c) promote inclusive, efficient, effective and transparent governance systems and practices and maintenance of public trust;
- (d) ensure sustainability and adoption of best practices in management and institutionalization of systems of checks and balances;
- (e) promote private-public partnership in university education and development; and
- (f) institutionalize non-discriminatory practices.

Section 5 of No. 42 of 2012 which it is proposed to amend-

5. Functions of the Commission

(1) The functions of the Commission shall be to—

- (a) promote the objectives of university education;
- (b) advise the Cabinet Secretary on policy relating to university education;
- (c) promote, set standards and assure relevance in the quality of university education;
- (d) monitor and evaluate the state of university education systems in relation to the national development goals;
- (e) licence any student recruitment agencies operating in Kenya and any activities by foreign institutions;
- (f) develop policy for criteria and requirements for admission to universities;
- (g) recognize and equate degrees, diplomas and certificates conferred or awarded by foreign universities and institutions in accordance with the standards and guidelines set by the Commission from time to time;
- (h) undertake or cause to be undertaken, regular inspections, monitoring and evaluation of universities to ensure compliance with set standards and guidelines;
- (i) collect, disseminate and maintain data on university education;
- (j) accredit universities in Kenya;
- (k) regulate university education in Kenya;
- (l) accredit and inspect university programme in Kenya;
- (m) promote quality research and innovation, and;
- (n) perform such other functions and exercise such other powers as the Commission may deem necessary for the proper discharge of its mandate under this Act.

(2) The Commission may where it deems appropriate, delegate any of its functions in this section to any suitably qualified person or body.

(3) For the avoidance of doubt, save as may be provided for under any other written law, the Commission shall be the only body with the power to perform the functions set out in this section.

Section 26 of No. 42 of 2012 which it is proposed to amend-

Universities in Counties.

26. The Commission shall ensure the establishment of public universities in each of the Counties, giving priority to Counties that do not have universities immediately after following the coming into force of this Act.