

SPECIAL ISSUE

Kenya Gazette Supplement No. 24 (Senate Bills No. 3)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2015

NAIROBI, 6th March, 2015

CONTENT

Bill for Introduction into the Senate—

PAGE

The Cancer Prevention and Control (Amendment) Bill, 201537

**THE CANCER PREVENTION AND CONTROL
(AMENDMENT) BILL, 2015**

A Bill for

**AN ACT of Parliament to amend the Cancer
Prevention and Control Act and for connected
purposes.**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Cancer Prevention and Control (Amendment) Act, 2015.

Short title.

2. The Cancer Prevention and Control Act, in this Act referred to as the “principal Act”, is amended by inserting the following new section immediately after section 4—

Insertion of new section 4. A in No. 15 of 2012.

Headquarters of the Institute.

4A. The headquarters of the Institute shall be in the capital city.

3. The principal Act is amended by inserting the following new Part immediately after Part II—

Insertion of new Part IIA in No. 15 of 2012.

**PART IIA—COUNTY CANCER PREVENTION AND
CONTROL COMMITTEES**

Establishment of county cancer prevention and control committees.

12A. (1) There is established, in each county, a county cancer prevention and control committee which shall be a committee within the department responsible for health within the county.

(2) Each county cancer prevention and control committee shall consist of—

- (a) one person with knowledge and experience in matters relating to health appointed by the county governor and who shall be the chairperson to the committee;
- (b) one person nominated by the county executive committee member responsible for health in the county who shall be the secretary to the committee;

- (c) one man and one woman who have knowledge and experience in matters relating to health within the county, nominated by the Institute; and
- (d) one man and one woman appointed by the county governor to represent such special interests within the county as the governor shall determine.

Terms and conditions of service.

12B. (1) The persons under subsection (1)(a) and (d) shall be competitively recruited by the county public service and appointed by the county governor by notice in the county gazette for a term of three years, renewable for one further term of three years.

(2) The members of the committee shall be paid such allowances as the county executive committee member shall determine in consultation with the Salaries and Remuneration Commission.

Functions of the county cancer prevention and control committees.

12C. (1) The functions of the county cancer prevention and control committee shall be to—

- (a) carry out activities to improve the education, training and skills of health professionals, including allied health professionals, to ensure the use of evidence-based recommendations and quality screening and follow up in the prevention, detection and control of cancer within the county;
- (b) support and promote the implementation of cancer prevention initiatives, including research, education and public policy formulation and implementation within the county;
- (c) support and promote the co-ordination of and collaboration in

-
- public, private, national and international research and screening programs;
- (d) initiate, undertake and participate in the collection, preparation, production and dissemination of data that is useful in the prevention and control of cancer within the county;
 - (e) develop and disseminate findings derived through evaluations and the collection of data under paragraph (d);
 - (f) collaborate with the Institute in the establishment of —
 - (i) counselling centres and support group centres for persons affected by cancer; and
 - (ii) palliative care facilities and homes for the care of cancer patients;
 - (g) ensure that issues concerning cancer prevention and treatment are incorporated into the programmes and strategies of the county;
 - (h) monitor and evaluate the performance of the county in the implementation of policies, initiatives and plans on health formulated by the National government for the prevention and control of cancer;
 - (i) develop and disseminate public information and conduct education programs for the prevention, detection, and control of cancer and promote the benefits of early screenings in the county;
 - (j) collaborate with the Institute and relevant agencies in the county in

ensuring a co-ordinated approach in facilitating access to health care facilities and treatment within the county;

- (k) establish linkages and networks with local, international and research institutions and development partners in mobilising and sourcing for funding and other resources for the prevention and control of cancer within the county; and

- (l) advise the Institute on the activities of the committee regarding the implementation of interventions in the county and their impacts in the control, care and treatment of persons with cancer within the county.

(2) The county cancer prevention and control committees shall—

- (a) be under the control and direction of the county governor in the implementation of their functions in accordance with the policies of the National government; and
- (b) collaborate with the Institute in the carrying out of its functions under subsection (1).

Secretariat to the
Committee.

12D. The county executive committee member in each county shall designate such officers within the department responsible for health as the committee member may consider necessary to serve as the secretariat to the county cancer prevention and control committee for the proper and efficient exercise of the functions of the committee under this Act.

Vacancy.

12E. (1) The office of a member of the committee appointed under section 12A (2)(a), (c) and (d) shall become vacant if the

member—

- (a) is adjudged bankrupt;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (c) is convicted of an offence involving fraud or dishonesty;
- (d) is absent, without reasonable cause, from three consecutive meetings of the committee;
- (e) resigns in writing addressed to the county governor;
- (f) is removed from office by the county governor for—
 - (i) being unable to perform the functions of his office by reason of mental or physical infirmity; or
 - (ii) failing to declare his or her interest in any matter being considered or to be considered by the committee; or
- (g) dies.

(2) Before the removal of a member under subsection (1)(f), the county governor shall request the committee to—

- (a) investigate the circumstances giving rise to the proposed removal; and
- (b) make recommendations on whether or not the member should be removed from office.

Reports of the county cancer prevention and control committees.

12F. (1) Every county cancer prevention and control committee shall submit—

- (a) a quarterly report to the county executive committee member; and
- (b) an annual report to the Institute.

(2) A report submitted under subsection (1) shall contain information of the activities of the county cancer prevention and control committee and its financial records in such manner as the county executive committee member and the Institute may specify.

Non-money Bill status of this Part.

12G. (1) For the avoidance of doubt, nothing in this Part is intended to or may be construed as providing for or dealing with—

- (a) taxes;
- (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) the appropriation, receipt, custody, investment or issue of public money;
- (d) the raising or guaranteeing of any loan or its repayment; or
- (e) matters incidental to any of those matters.

(2) There may be established a fund which shall consist of the monies specified under subsection (3).

(3) Any expenses that may be occasioned in the implementation of this Act shall be provided from—

- (a) such gifts, grants or donations as may be given;
- (b) such monies as may, in the future, be provided by the County Assembly for defraying the expenses incurred in the implementation of this Act; and
- (c) such other monies that may lawfully accrue in the discharge of the functions under this Act, not being monies accruing pursuant to Article 114 of the Constitution.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to amend the Cancer Prevention and Control Act to provide for the establishment of the headquarters of the National Cancer Institute of Kenya in the Capital City.

The Bill also provides for the establishment of county cancer prevention and control committees in each county whose functions include the conduct of sensitisation and awareness programmes, data collection and dissemination of information, the establishment of counselling centres and palliative care facilities and the monitoring and evaluation of the implementation of programmes for the control and prevention of cancer. The committees are expected to act as a link between the National government and county governments by collaborating with the Institute in the carrying out of its functions. The committees are also expected to submit reports to the county executive committee member and the Institute regarding the performance of their functions.

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 the fundamental rights and freedoms.

Statement on how the Bill concerns county governments

This Bill is expected to ensure that the provision of services relating to the control and prevention of cancer are easily accessible at the county level of government. In addition, the provision of health services is a function that falls within the ambit of the county governments as specified under Part 2 of the Fourth Schedule to the Constitution.

The Bill is therefore a Bill concerning county governments in terms of Article 110(1)(a) of the Constitution.

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

Clause 12G of the Bill specifically removes the Bill from the ambit of the matters listed under Article 114 of the Constitution. The clause further provides that any expenses that may be occasioned by the implementation of the Act are to be provided from such gifts, grants or donations as may be given or from such monies as the County Assembly may, in the future, provide for the defraying of such expenses. The Bill also provides that a fund may be established for the purposes of the custody of such funds. The Bill does not therefore appropriate funds for the implementation of the Act; any appropriation would be effected through separate legislation which would be introduced and enacted in terms of Article 114 of the

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

Dated the 12th February, 2015.

MOHAMED KUTI,
Chairman, Standing Committee on Health.