

**THE COUNTY LIBRARY SERVICES BILL, 2015**

**ARRANGEMENT OF SECTIONS**

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**A Bill for**

**AN ACT of Parliament to provide for the establishment of county libraries in each county; to provide for the establishment of a County Library Development Committee in each county; to provide for the functions and powers of each County Library Development Committee and for connected purposes.**

**ENACTED** by the Parliament of Kenya, as follows—

**1.** This Act may be cited as the County Library Services Act, 2015.

Short title.

**2.** In this Act—

Interpretation

“book” includes—

- (a) every volume, part, division of a volume and pamphlet in any language;
- (b) manuscript in any form;
- (c) every sheet of music, map, graph, chart or plan separately printed or lithographed; and
- (d) newspapers, periodicals, paintings, posters, photographs, photographic reproduction, gramophonic records, audio-video tapes, floppy, compact discs, slides, microfilms and film scripts for audio visual information and such other materials;

“committee” means a County Library Services Development Committee established under section 3;

“county executive Committee member” means the county executive committee member responsible for library services within the county; and

“library” means an organized collection of printed books, periodicals or any graphic or audio-visual material to which a member of the public has access free of charge

or on payment of fees or by virtue of being a member of an organization or institution.

**3.** (1) There is established in each county a County Library Services Development Committee.

Establishment of the committee.

(2) A county library services committee shall consist of—

- (a) the county executive committee member responsible for library services or a person serving in the county executive, designated by the committee member in writing, who shall be the chairperson;
- (b) two persons, one a man and one a woman, appointed by the governor with the approval of the county assembly through a transparent and competitive process from amongst renowned educationalists or renowned academics in the county who have experience in the field of education in the county; and
- (c) two persons, one a man and one a woman, appointed by the governor with the approval of the county assembly through a transparent and competitive process from amongst persons who have knowledge in library and information science and at least five years experience in the provision of library services.

**4.** (1) The persons under subsection 3(2)(b) and (c) shall be appointed by notice in the relevant County *Gazette* and shall hold office for a term of three years, renewable for one further term of three years.

Terms and conditions of service.

(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.

**5.** The committee shall conduct its meetings in accordance with the procedure set out in the Schedule.

Meetings of the committee.

**6.** The functions of the committee shall be to—

Functions of the committee.

- (a) establish and promote the establishment of libraries in the county;
- (b) equip, manage, maintain and develop libraries including electronic libraries in the county;

- (c) plan, co-ordinate and advise the county government on the delivery of library services;
- (d) advise the county government and other public bodies on all matters relating to library, documentation and related services;
- (e) facilitate the documentation of information relating to the county and the provision of related services in the county;
- (f) facilitate the training of librarians within the county on the principles, procedures and techniques of librarianship and such other related matters as the committee may from time to time decide;
- (g) carry out and encourage research in the development of library and related services in the county;
- (h) conduct campaigns for the eradication of illiteracy in the county;
- (i) stimulate public interest in books and promote reading for knowledge, information and enjoyment in the county including facilitating mobile library services;
- (j) encourage and facilitate the use of libraries by school-going children;
- (k) partner with the county executive Committee member in charge of education to facilitate the establishment and equipping of libraries in schools, colleges and other institutions;
- (l) design innovative ways to enhance access to library services and information by disadvantaged persons within the society;
- (m) provide professional advice to institutions and promote best practices in managing resource centres and school libraries;
- (n) acquire books produced in and outside Kenya and such other materials and sources of knowledge necessary for a comprehensive county library;
- (o) publish a county bibliographical and referencing services in the county; and

- (p) perform any other function that may be conferred on it by this Act or any other law.

7. The county executive committee member shall designate such officers or such section within the county executive committee member's department in the county government to serve as the secretariat to the committee for the proper and efficient exercise of the functions of the committee under this Act.

Secretariat.

8. (1) The office of a member of the committee appointed under section 3 (2)(b) and (c) shall become vacant if the member-

Vacancy.

- (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.

**9.** All property movable or immovable property held or acquired for the purpose of any county library established and maintained by a county shall vest in, and be held by the respective county government.

Vesting of property held for the purpose of county libraries.

**10.** (1) Subject to this Act, the committee may –

Recognition of county libraries and county library associations.

- (a) recognize any library run by a voluntary agency within the county, or any library open for use by the public, as a county library for the purposes of provision of financial assistance to the library; and
- (b) recognize any school library in a county registered under any law, for the purpose of provision of financial assistance to the school library.

**11.** (1) The committee shall, not later than three months after the end of each financial year, prepare and submit to the county government and the county assembly a report on the activities of the committee in the immediately preceding year.

Reports by the Committee.

(2) Despite subsection (1), the county government and the county assembly may require a report from the committee on any matter at any time.

**12.** (1) The county executive committee member in consultation with the committee may make regulations for the better carrying out of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), the county executive committee member may make Regulations providing for-

- (a) recognition of any library or association for the purpose of provision of financial assistance to the school or library;
- (b) prescribing fees and penalties to be paid by any person borrowing books from any such library;
- (c) the design and construction standards of a library; and
- (d) for the better carrying out of the purpose of this Act.

**SCHEDULE (s.5)****CONDUCT OF AFFAIRS OF THE COMMITTEE**

1. The committee shall meet at least four times in each year. Meetings of the committee.
2. The chairperson may at any time convene a special meeting of the committee and shall do so within fifteen days of a written requisition for the meeting signed by at least three members. Special meetings.
3. (1) The chairperson shall preside at all meetings of the committee and in the case of the chairperson's absence, the vice-chairperson shall preside. Chairperson to preside.

(2) At a meeting of the committee at which neither the chairperson or vice-chairperson is present, the members of the committee present shall elect one of their numbers to preside, and the person so elected shall have all the powers of the chairperson with respect to that meeting and the business transacted in the meeting.
4. The quorum for the conduct of the business of the committee shall be three members. Quorum.
5. The decisions of the committee shall be by a majority of votes, and the chairperson of the meeting shall have an original and a casting vote. Voting procedure.
6. The validity of any proceedings of the committee shall not be affected by any vacancy among the membership of the committee or by any defect in the appointment of a member. Validity of proceedings.
7. Minutes of the proceedings at meetings of the committee shall be kept in such a manner as the Committee directs. Minutes.
8. The committee may establish such Committees as may be necessary for the performance of the functions of the committee and may, subject to the provisions of this Act, delegate powers conferred on it to any such Committee. Committees of the Committee.
9. Subject to the provisions of this Schedule, the committee shall regulate its own procedure. Power of the Committee to regulate own procedure.
10. (1) If a member of the committee is directly or indirectly interested in any contract, proposed contract or Disclosure of interest

other matter before the committee and is present at a meeting of the committee at which the contract, proposed contract or other matter is the subject of consideration, the member shall, at the meeting and as soon as reasonably practicable after the commencement of the meeting, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

## **MEMORANDUM OF OBJECTS AND REASONS**

### **Statement of the Objects and Reasons for the Bill**

The principal object of this Bill is to promote the establishment and use of libraries in counties so as facilitate access to information, improve education standards and reduce levels of illiteracy in the counties. By so doing, the Bill gives effect to paragraph 4(f) of Part 2 of the Fourth Schedule to the Constitution.

The Bill establishes a County Library Development Committee in each county to establish and promote the use of libraries in the counties.

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

The Bill delegates legislative powers to the county executive committee members in charge of libraries within the county only for the purpose of giving effect to the provisions of the Act.

The Bill does not limit fundamental rights and freedoms.

### **Statement on how the Bill concerns county governments**

This Bill is expected to ensure that the provision of library services are easily accessible at the county level of government. In addition, the provision of library services is a function that falls within the ambit of the county governments as specified under Part 2 in paragraph 4(f) of the Fourth Schedule to the Constitution.

The Bill is therefore one that concerns 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**

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

Dated the 11th May, 2015.

JOY GWENDO,  
*Senator.*