

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 24 (National Assembly Bills No. 5)*



REPUBLIC OF KENYA

---

**KENYA GAZETTE SUPPLEMENT**

**NATIONAL ASSEMBLY BILLS, 2020**

---

---

**NAIROBI, 20th March, 2020**

---

---

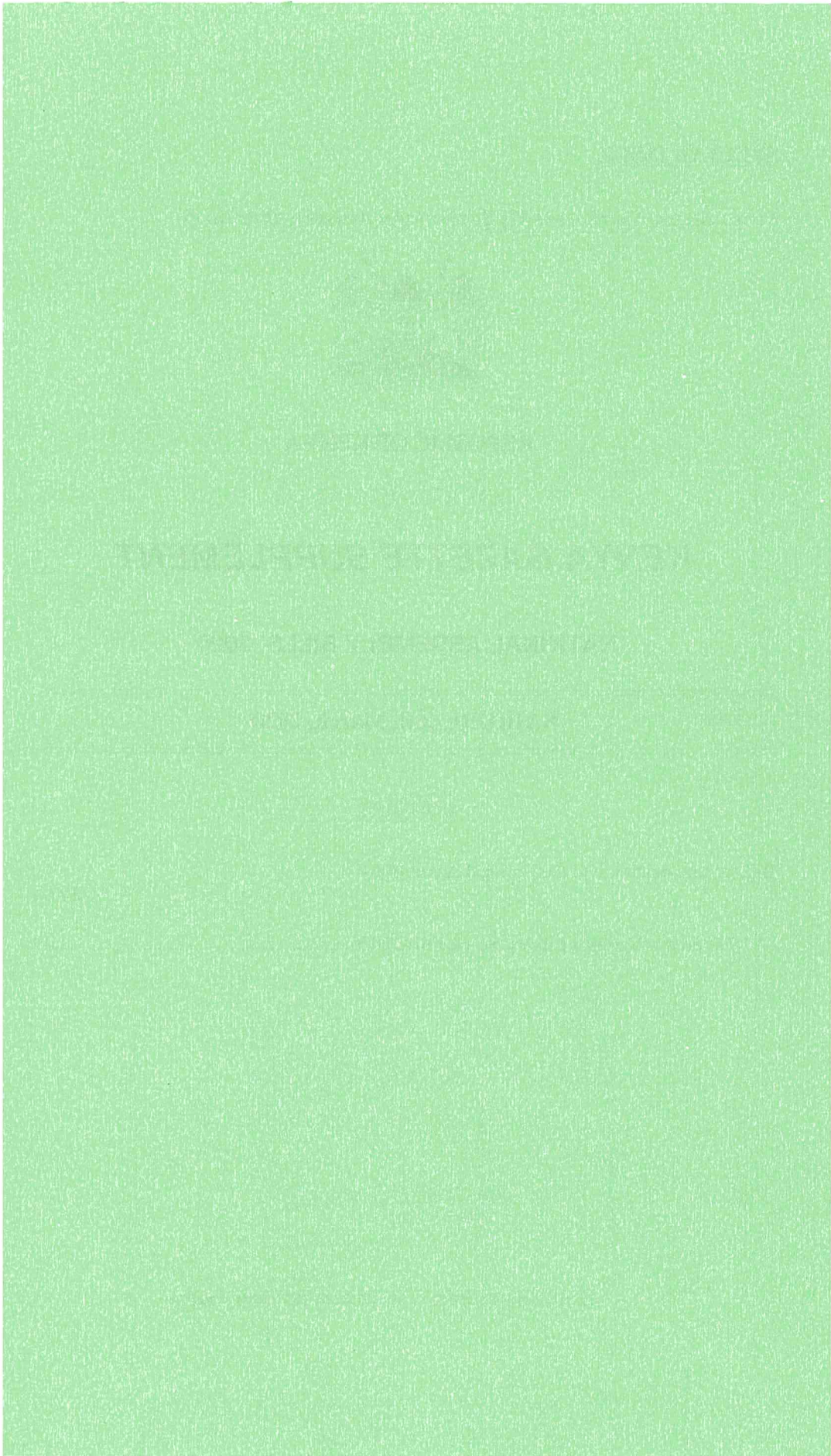
CONTENT

Bill for Introduction into the National Assembly—

PAGE

The Kenya National Library Service Bill, 2020.....49





**THE KENYA NATIONAL LIBRARY SERVICE  
BILL, 2020**

**ARRANGEMENT OF CLAUSES**

**PART 1—PRELIMINARY**

*Clause*

- 1—Short title.
- 2—Interpretation.
- 3—Purpose of the Act.

**PART II—ESTABLISHMENT OF THE KENYA  
NATIONAL LIBRARY SERVICE**

- 4—Establishment of the Kenya National Library Service.
- 5—Functions of the Kenya National Library Service.
- 6—Composition of the Board.
- 7—Qualifications for appointment of Board members.
- 8—Disqualification.
- 9—Term of Office.
- 10—Vacancy.
- 11—Meetings and procedures of the Board.
- 12—Committees.
- 13—Delegation by the Board.
- 14—Remuneration and allowances.
- 15—Appointment of Director-General.
- 16—Corporation Secretary
- 17—Staff.
- 18—Code of Conduct.
- 19—Protection from personal liability.
- 20—Annual Report.

**PART III—FINANCIAL PROVISIONS**

- 21—Funds of the Kenya National Library Service.
- 22—Investment.
- 23—Annual estimates.
- 24—Financial year.
- 25—Accounts and audit.

**PART IV – ADMINISTRATIVE PROVISIONS**

- 26— Standards.
- 27— Application for membership
- 28— Common seal.
- 29— Records.
- 30— Fees for services rendered.
- 31— Execution of documents.

**PART V – GENERAL PROVISIONS**

- 32— Independence of the Kenya National Library Service.
- 33— Agreements for the management of public libraries.
- 34— Proceedings against the Kenya National Library Service.
- 35— Restitution to the Kenya National Library Service.
- 36— Offences.
- 37— General penalty
- 38— Regulations.
- 39— Repeal of Cap. 225.
- 40— Savings and transitional provisions.

**FIRST SCHEDULE      THE CONDUCT OF  
BUSINESS            AND  
AFFAIRS OF THE  
BOARD OF THE  
KENYA NATIONAL  
LIBRARY SERVICE**

**SECOND SCHEDULE    CODE OF CONDUCT  
FOR MEMBERS OF  
THE BOARD AND  
EMPLOYEES OF THE  
KENYA NATIONAL  
LIBRARY SERVICE**

**THIRD SCHEDULE     MINIMUM  
STANDARDS            FOR  
THE                    KENYA  
NATIONAL LIBRARY  
SERVICE**

**THE KENYA NATIONAL LIBRARY SERVICE  
BILL, 2020**

**A Bill for**

**AN ACT of Parliament to establish the Kenya National Library Service, to provide for the management of the Kenya National Library Service and for connected purposes.**

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

**PART 1—PRELIMINARY**

1. This Act may be cited as the Kenya National Library Service Act, 2020.

Short title.

2. In this Act, unless the context otherwise requires—

Interpretation.

“Board” means the Board of the Kenya National Library Service established under section 6;

“book” includes any volume, encyclopedia, magazine, review, *Gazette*, pamphlet, leaflet, sheet of letterpress, sheet of music, annual report, map, plan or chart, which is separately published, and any part or division thereof, but does not include a newspaper, visiting or business card, bill-head, letter-head, price list, annual report, trade circular, trade advertisement or other legal, trade or business document;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to libraries;

“Commission” means the Salaries and Remuneration Commission established by Article 230 of the Constitution;

“Director-General” means the Director-General of the Kenya National Library Service appointed in accordance with section 15;

“information resource” means the procedures, services, materials, personnel and technology designed, provided, built, utilized and applied to ensure library users are able to access information services and facilities;

“member” means a member of the Board appointed in accordance with section 7;

“National Library Service” means a repository and access point for print, audio, audio-visual and digital

materials and documents in braille that serves as the pre-eminent repository of information for the country and is the official depository for printed works, a general access library, information and bibliographic centre;

“newspaper” includes any printed matter containing news or intelligence reports of occurrences of interest to the public or any section thereof or any views, comments or observations thereon, whether in print, video or other electronic format for sale or distribution and published periodically or in parts or numbers at intervals but does not include a visiting or business card, bill-head, letter-heading, price list, annual report, trade circular, trade advertisement or other legal, trade or business document; and

“public library” means a library established, maintained and managed by a county, non-governmental organization, community or private person which is open to members of the public.

**3.** The purpose of this Act is—

- (a) to preserve national documentary heritage; and
- (b) to distinguish the functions of the Kenya National Library Service from the other libraries.

Purpose of the Act.

## **PART II—ESTABLISHMENT OF THE KENYA NATIONAL LIBRARY SERVICE**

**4.** (1) There is established a National Library to be known as the Kenya National Library Service.

Establishment of the National Library Service.

(2) The Kenya National Library Service shall be a body corporate with perpetual succession and a common seal and shall in its corporate name, be capable of—

- (a) suing and being sued;
- (b) purchasing, acquiring, holding, leasing, charging or disposing of property;
- (c) borrowing, lending or investing money;
- (d) entering into contracts; and
- (e) doing or performing all things or acts for the furtherance of the provisions of this Act which may be lawfully done or performed by a body corporate.

**5. The functions of the Kenya National Library Service shall be to—**

Functions of the Kenya National Library Service.

- (a) equip, develop, manage and maintain the Kenya National Library Service;
- (b) acquire, preserve and maintain a collection of library resources including books produced within and outside Kenya and such other materials and sources of knowledge necessary for a comprehensive national bibliography;
- (c) liaise with other government agencies to ensure compliance by publishers with the Books and Newspapers Act;
- (d) carry out and encourage research in the development of libraries and related services;
- (e) promote reading for knowledge, information and enjoyment through the stimulation of public interest in books and participation in campaigns for the eradication of illiteracy;
- (f) establish and maintain a national agency for administering international standard numbers for books, serials, music and others;
- (g) publish the Kenya National Bibliography and the Kenya Periodicals Directory;
- (h) establish the national webcat to publish catalogues for all libraries;
- (i) provide a national library reference and referral service;
- (j) establish and maintain a national virtual library service;
- (k) support the establishment of referral libraries at the regional or county levels;
- (l) establish a center for books to promote reading, writing and publishing in local languages, traditional knowledge and culture, information and advice, advocacy, book development and easy access to books;
- (m) provide advisory services and related support for libraries;

Cap. 111.

- (n) set standards for the establishment and operations of libraries; and
- (o) to perform any other function necessary for the attainment of the objectives of this Act.

6. (1) The management of the Kenya National Library Service shall vest in the Board of Directors of the Kenya National Library Service which shall consist of—

Composition of the Board.

- (a) the Chairperson, appointed by the President;
- (b) the Principal Secretary responsible for matters relating to libraries or his or her representative;
- (c) the Principal Secretary responsible for matters relating to finance or his representative;
- (d) the Principal Secretary responsible for matters relating to education or his representative;
- (e) the Principal Secretary responsible for matters relating to devolution or his representative;
- (f) the Principal Secretary responsible for matters relating to information and telecommunications technology or his representative;
- (g) four other persons appointed by the Cabinet Secretary in accordance with the requirements in section 7(2).
- (h) the Director-General, who shall be Secretary to the Board.

(2) The appointment of members under sub-section 1(a) and (e) shall be by name and by notice in the Kenya Gazette.

(3) The Cabinet Secretary shall ensure that the provisions of the Constitution regarding gender parity, persons with disability, marginalized persons and the youth are observed in making the appointments.

(4) The members of the Board shall at their first meeting, elect a vice-chairperson from amongst their number, and the Chairperson and vice-chairperson shall be of opposite gender.

7. (1) A person shall be qualified for appointment as the Chairperson of the Board if that person—

Qualifications for appointment of Board members.



- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has at least ten years' experience with at least seven years' experience in management at a senior level;
- (d) has had a distinguished career in library and information science, knowledge management, information technology, development studies, management or any related field; and
- (e) meets the requirements of Chapter Six of the Constitution.

(2) A person shall be qualified for appointment as a member of the Board if that person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has knowledge and experience of at least five years at management level;
- (d) has had a distinguished career in the respective field; and
- (e) meets the requirements of Chapter Six of the Constitution.

**8.** A person shall not be qualified for appointment as the Chairperson or as a member if the person—

*Disqualification.*

- (a) is a member of a governing body of a political party;
- (b) is bankrupt;
- (c) has been convicted of a criminal offence and sentenced to a term of more than six months imprisonment;
- (d) has been removed from any public office for contravening a provision of the Constitution or any other written law;
- (e) is a member of Parliament or County Assembly;
- (f) has not met his or her legal obligations relating to tax and other statutory obligations; or

(g) has contravened the provisions of Chapter Six of the Constitution.

9. The Chairperson and members of the Board shall be appointed for a term of three years and shall be eligible for one further term of three years.

Term of office.

10. The office of the Chairperson or a member of the Board shall become vacant if the holder—

Vacancy.

- (a) dies;
- (b) resigns from office by notice in writing addressed to the appointing authority;
- (c) is convicted of a criminal offence and sentenced to a term of imprisonment exceeding six months;
- (d) term of office expires;
- (e) is absent from three consecutive meetings of the Board without good cause; or
- (f) is removed from office for any of the following grounds—
  - (i) violation of the Constitution or any other written law;
  - (ii) gross misconduct or misbehaviour;
  - (iii) inability to perform functions of the office arising out of physical or mental infirmity;
  - (iv) incompetence or neglect of duty; or
  - (v) bankruptcy.

11. The conduct and regulation of the business and affairs of the Board shall be as provided in the First Schedule.

Meetings and procedures of the Board.

12.(1) The Board may, for the effective discharge of its functions, establish committees to be chaired by a member of the Board.

Committees.

(2) The Board may invite to a meeting of a committee established under subsection (1), any person whose knowledge and skills are considered necessary for the effective discharge of the functions of the Board.

(3) A person invited to a meeting of a committee may participate in the deliberations, but shall not vote at such meeting.

13. The Board may by resolution either generally or in any particular case, delegate to any committee of the Board, member or employee of the Board, the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act.

Delegation by the Board.

14. The Chairperson and members of the Board shall be paid such remuneration or allowances as the Cabinet Secretary may, in consultation with the Commission, determine.

Remuneration and allowances.

15. (1) There shall be a Director-General of the Kenya National Library Service who shall be appointed by the Board through a competitive process on such terms and conditions of service as may be specified in the instrument of appointment and who shall hold office for a term of three years renewable once.

Appointment of Director-General.

(2) A person shall be qualified for appointment under this section if such person—

- (a) is a citizen of Kenya;
- (b) holds a masters degree in library and information science, knowledge management, information technology, development studies, management or any related field from a university recognized in Kenya;
- (c) has at least seven years professional experience of which at least five years are at senior management level; and
- (d) meets the requirements of Chapter Six of the Constitution.

(3) The Director-General shall be an *ex-officio* member of the Board and shall have no right to vote at any meeting of the Board.

(4) The Director-General shall be responsible to the Board for the day-to-day management of the affairs of the Kenya National Library Service.

16. (1) There shall be a Corporation Secretary of the Kenya National Library Service who shall, subject to this section, be appointed by the Board, on such terms and conditions of service as the Board may determine.

Corporation Secretary.

(2) A person shall not be appointed as Corporation Secretary unless such person —

- (a) is an advocate of the High Court of not less than five years standing;
- (b) holds a certified public secretaries' qualification from a recognized institution; and
- (c) meets the requirements of chapter Six of the Constitution.

(3) The Corporation Secretary shall, subject to the direction of the Board be responsible for —

- (a) coordinating and circulating the preparation of Board papers to members of the Board;
- (b) taking minutes in meetings of the Board and ensuring the implementation of resolutions of the Board;
- (c) ensuring safe custody of the minutes, decisions and documents of the Board;
- (d) ensuring the safe custody of the seal of the Board;
- (e) drafting legal documents on behalf of the Board;
- (f) advising the Board on any legal matters; and
- (g) any other matter that the Board may direct.

**17.** (1) The Board may, from time to time, appoint such officers and other staff as it considers necessary for carrying out its functions under this Act. Staff.

(2) The Board shall, in the appointment of employees —

- (a) ensure that the persons are employed on merit; and
- (b) observe the principles of gender parity and reflect the diversity of Kenya.

**18.** The members of the Board and the employees of the Kenya National Library Service shall subscribe to the Code of Conduct set out in the Second Schedule. Code of conduct.

**19.** A person shall not be liable in criminal or civil proceedings for anything done in good faith in the exercise or performance of any power or duty under this Act. Protection from personal liability.

20.(1) The Board shall within three months after the end of each financial year, submit an annual report in respect to that year to the Cabinet Secretary.

Annual Report.

(2) The report under subsection (1) shall, in respect of the financial year to which it relates, contain—

- (a) the financial statements of the Kenya National Library Service;
- (b) a description of the activities of the Kenya National Library Service;
- (c) such other statistical information as the Board considers appropriate relating to the functions of the Kenya National Library Service; and
- (d) any other information relating to its functions that the Kenya National Library Service considers necessary.

(3) The Board shall publish and publicize the annual report in such accessible manner as it considers appropriate.

### **PART III—FINANCIAL PROVISIONS**

21.(1) The funds of the Kenya National Library Service shall consist of—

Funds of the  
Kenya National  
Library Service.

- (a) monies allocated by Parliament;
- (b) grants, gifts, donations or other endowments given to the Kenya National Library Service;
- (c) monies drawn from levies, fees and royalties;
- (d) monies drawn from profitable ventures and investments of all kinds undertaken by the Kenya National Library Service;
- (e) all monies loaned to the Kenya National Library Service;
- (f) funds received from any other lawful income generating activity as shall be sanctioned by the Board; and
- (g) such funds as may vest in or accrue to the Kenya National Library Service in the performance of its functions under this Act or under any other written law.

(2) Nothing in this section shall be construed to oblige the Board to accept a donation unless it approves of the terms and conditions attached to such donation.

**22.** (1) The Kenya National Library Service may, with the approval of the Cabinet Secretary and subject to any conditions that the State Department responsible for finance may impose, invest such part of its funds as are not for the time being required for the purpose of its business.

Investment.

(2) The powers of the Kenya National Library Service under this section shall be exercised with the concurrence of the Cabinet Secretary for the time being responsible for finance who may vary the amount which may be invested, the nature of the investment and the terms and conditions thereof.

(3) The Cabinet Secretary's approval under subsection (2) may be general or limited to a particular investment.

**23.** (1) The Board shall in accordance with the provisions of the Public Finance Management Act, cause to be prepared estimates of the revenue and expenditure of the Kenya National Library Service for each financial year.

Annual estimates.

No. 18 of 2012.

(2) The annual estimates shall make provision for all the estimated expenditure of the Kenya National Library Service for the financial year concerned and in particular shall make provision for –

- (a) payment of the salaries, allowances and other charges in respect of members and staff of the Kenya National Library Service;
- (b) payment of pensions, gratuities and other charges in respect of members and staff of the Kenya National Library Service;
- (c) the purchase, maintenance and replacement of–
  - (i) the buildings and grounds of the Kenya National Library Service;
  - (ii) reading material and any other equipment as may be necessary for the operations of the Kenya National Library Service; and
  - (iii) equipment and other property of the Kenya National Library Service;

(d) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Board may consider necessary; and

(e) any other expenditure that the Board may approve.

(3) The Cabinet Secretary shall present the estimates approved by the Board under sub-section (2) to the relevant committees of the National Assembly.

**24.** The financial year of the Kenya National Library Service shall be the period of twelve months commencing on the first of July and ending on the thirtieth of June.

Financial year.

**25.** (1) The Board shall ensure that proper accounts and other records are kept in relation to the income, expenditure, assets and liabilities of the Kenya National Library Service.

Accounts and audit.

(2) Within a period of three months after the end of each financial year, the Board shall submit the accounts of the Kenya National Library Service in respect of that year in accordance with the provisions of the Public Finance Management Act.

No. 18 of 2012.

(3) The annual accounts of the Board shall be prepared, audited and reported upon in accordance with the provisions of the Public Finance Management Act.

No. 18 of 2012.

#### **PART IV—ADMINISTRATIVE PROVISIONS**

**26.** The operations of the Kenya National Library Service shall be in accordance with the standards set out in the Third Schedule.

Standards.

**27.** (1) Any person who or institution which wishes to become a member of the Kenya National Library Service shall make an application in the manner prescribed in the regulations.

Application for membership.

(2) The Kenya National Library Service shall determine the registration and subscription fees chargeable to individuals and institutions which shall be set out in the regulations.

(3) The Kenya National Library Service shall on receipt of an application made under subsection (1) and on satisfying itself that the applicant has complied with the

conditions set out in the Regulations, cause the applicant to be registered as a member of the Kenya National Library Service and issue a library card to that effect.

(4) The library card issued under subsection (3) remains the property of the Kenya National Library Service and shall be surrendered when the person or institution ceases to be a member.

**28.** (1) The seal of the Board shall be such device as may be determined by the Board and shall be kept by the Director-General.

Common Seal.

(2) The affixing of the seal shall be authenticated by the Chairperson or any other person authorized in that behalf by resolution of the Board.

**29.** The Kenya National Library Service shall maintain records of—

Records.

- (a) all documents whether, in soft copy in hard copy or any other format, belonging to the Kenya National Library Service;
- (b) all persons and institutions registered as members of the Kenya National Library Service; and
- (c) such other particulars the Board considers necessary or desirable to be recorded.

**30.** The Kenya National Library Service shall determine the fees to be paid for services it renders to its clients.

Fees for services rendered.

**31.** (1) All deeds, instruments, contracts and other documents shall be deemed to be executed by or on behalf of the Kenya National Library Service—

Execution of documents.

- (a) if sealed by the common seal of the Kenya National Library Service and signed by the Chairperson or any other person authorized in that behalf by resolution of the Board; or
- (b) if executed in that behalf by one member of the Board appointed by the Board for that purpose and by the Director-General or any member of the staff of the Kenya National Library Service acting in that office.

(2) A deed, instrument, contract or other document executed in accordance with subsection (1) shall—

- (a) subject to any exception that may be taken on any ground other than that of the competence of the



party executing the same on behalf of the Kenya National Library Service, bind the Kenya National Library Service and its successors; and

- (b) be varied or discharged in same manner as it was executed.

### PART V—GENERAL PROVISIONS

32. Except as provided for under this Act, the Kenya National Library Service shall not, in the performance of its functions, be subject to the direction or control of any person or institution.

Independence of the Kenya National Library Service.

33. The Kenya National Library Service may enter into a written agreement with a County Government on the management of a public library within that county.

Agreements for the management of public libraries.

34. (1) An action or legal proceeding shall not be commenced against the Kenya National Library Service unless the complainant has served the Director-General with a written notice containing the particulars of the claim and of intention to commence such action or legal proceedings.

Proceedings against the Kenya National Library Service.

(2) The written notice under subsection (1) shall be served at least one month prior to the commencement of such proceedings.

35. A person who steals or who intentionally damages property belonging to the Kenya National Library Service may in addition to any other penalty that may be imposed, be required to make restitution of the stolen or damaged property.

Restitution to the Kenya National Library Service.

36. (1) A person who—

Offences.

- (a) procures or attempts to procure the entry of any name on the register by willfully making or producing or causing to be made or produced, either orally or in writing, any declaration, certificate or representation which the person knows to be false or fraudulent;
- (b) falsely or fraudulently holds himself or herself out to be registered; or
- (c) steals and destroys library material,

commits an offence and is liable on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding twelve months, or to both.

(2) A person who—

(a) without reasonable justification or other lawful excuse, obstructs or hinders, or threatens a member or staff or agent in the course of duty under this Act;

(b) submits false or misleading information; or

(c) makes false misrepresentation to, or knowingly misleads a member or staff acting under this Act,

commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

**37.** A person who commits an offence under this Act for which no penalty is prescribed shall on conviction be liable to a fine not exceeding one hundred thousand shilling or imprisonment for a period not exceeding twelve months, or both.

General penalty.

**38.** The Cabinet Secretary may make regulations generally for the carrying into effect the provisions of this Act, or for prescribing anything which is to be prescribed under this Act and without prejudice to the foregoing shall make regulations prescribing the requisite forms and fees for use under this Act.

Regulations.

**39.** The Kenya National Library Service Board Act is repealed.

Repeal of Cap 225.

**40.** (1) Subject to any other written law, all the rights, duties, obligations, assets and liabilities of the former Board existing at the commencement of this Act shall be automatically and fully transferred to the Kenya National Library Service.

Savings and transitional provisions.

(2) The Chairperson and members of the Board who immediately before the commencement of this Act were serving at the former Board shall, upon commencement of this Act, continue in office for the unexpired period of their term.

(3) Subject to any written law, a person who immediately before the commencement of this Act was an employee who was serving at the former Board shall, upon the commencement of this Act, be deemed to be an employee of the Kenya National Library Service.

(4) An employee of the former Board who does not wish to become an employee of the Kenya National Library Service shall exercise his option within a period of twelve months from the date of coming into operation of this Act;

(5) Subject to subsection (3), an employee of the former Board shall enter into a written contract with the Kenya National Library Service within a period of not more than eighteen months from the date of the coming into operation of this Act.

(6) The Kenya National Library Service shall ensure the terms and conditions of the contract, under subsection (5), are not to the disadvantage of such employee.

(7) An employee of the former Board who does not enter into a contract in accordance with subsection (5) shall be deemed to have resigned and shall be released without right to severance pay but without prejudice to all other remuneration and benefits payable upon the termination of his employment.

**FIRST SCHEDULE****(S. 11)****THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD**

1. (1) A meeting of the Board shall be held on such date and at such time as the Board may determine. Time and place of meetings

(2) The Board shall meet not less than four times in any financial year and not more than four months shall lapse between one meeting and the next.

2. The Chairperson shall upon requisition in writing by at least one -third of the members convene a special meeting of the Board. Special meetings

3. (1) The quorum for the conduct of the business of the Board shall be one half of the members including the Chairperson or the person presiding but excluding *ex-officio* members. Quorum

(2) Where there is no quorum at a meeting of the Board, or for the continuation of the meeting of the Board, by reason of the exclusion of a member on account of the provisions governing disclosure of interest, the members present shall postpone consideration of the matter in question until there is a quorum.

4. (1) The Chairperson shall when present, preside at every meeting of the Board. Voting

(2) In the absence of the Chairperson, the vice-Chairperson shall preside.

(3) In the absence of both the chairperson and the vice-chairperson the members present shall elect one of their member to preside, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat

(4) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

5. The minutes of each meeting of the Board or of a Committee of the Board shall be kept by the Director-General and shall be confirmed by the Board or the Committee at the succeeding meeting and be duly signed by the Chairperson or the person presiding and the Director-General. Minutes of meetings

6. Subject to paragraph 4, no proceedings of the Board shall be invalid by reason only of a vacancy among the members.

Validity of proceedings

7. Subject to the provisions of this Schedule, the Board may determine its own procedure and the procedure for any Committee of the Board and for the attendance of other persons at its meetings and may make rules in respect thereof.

Procedures of the board

8. The Board may at its discretion at any time and for any length of time co-opt any person to attend any of its deliberations, but such person shall not be entitled to vote on any matter at any meeting of the Board.

Co-option by the Board

9. The Director-General or any officer instructed by the Board in that behalf, present at a meeting of the Board or a Committee thereof, shall have the right to require his opinion to be recorded if the Board or the Committee, as the case may be, passes a resolution, which in the Director-General's opinion, is contrary to his advice or contrary to law.

Recording opinion of ex-officio and co-opted members

10. (1) If any person is present at a meeting of the Board or any committee at which any matter is the subject of consideration and in which matter that person or that person's spouse or immediate family member is directly or indirectly interested in a private capacity, that person shall as soon as is practicable after the commencement of the meeting declare such interest and shall not, unless the Board or committee otherwise directs, take part in any consideration or discussion of, or vote on any question connected to such matter.

Conflict of interest.

(2) The disclosure of interest shall be recorded in the minutes of the meeting at which the disclosure is made.

(3) The Chairperson or member of the Board who has made disclosure under subparagraph (1) shall not transact any business or trade with the Board.

(4) A person who contravenes this paragraph is disqualified from membership on the Board.

**SECOND SCHEDULE****(s. 18)****CODE OF CONDUCT FOR MEMBERS OF THE BOARD AND EMPLOYEES OF THE KENYA NATIONAL LIBRARY SERVICE**

1. Every member and employee of the Kenya National Library Service shall impartially and independently perform the functions of a member or employee in good faith and without fear, favour or prejudice, and without influence from—

Impartiality and independence of members.

- (a) any public officer;
- (b) any political party;
- (c) any candidate participating in an election; or
- (d) any other person.

2. (1) If a member or an employee is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at any meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, the member or employee shall, at the meeting and as soon as practicable after the commencement thereof, 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.

Disclosure of conflicting interests.

(2) An employee whose personal interest conflicts with their official duties shall—

- (a) declare the personal interests to their supervisor or other appropriate person or body in writing and comply with any directions given to avoid the conflict; and
- (b) refrain from participating in any deliberations with respect to the matter.

(3) A member or employee of the Kenya National Library Service shall not transact business with the Kenya National Library Service directly or indirectly.

3. A member or employee of the Kenya National Library Service shall—

Professionalism

- (a) perform duties in a manner that promotes and maintains public confidence in the Kenya National Library Service;

- (b) treat the public and colleagues with courtesy and respect;
- (c) discharge all duties in a professional, timely and efficient manner and in line with the rule of law; and
- (d) respect the rights and freedom of all persons that he or she may interact with.

4. A member or employee of the Kenya National Library Service shall not—

Improper enrichment.

- (a) use the office to improperly enrich themselves or others;
- (b) accept or request gifts or personal favours from any person who may have a commercial interest with the Kenya National Library Service or any other interest that may be affected by the normal business of the Kenya National Library Service; or
- (c) use information that is acquired during the course of duty or connected to the duties for personal benefit or for the benefit of others.

5. A member or employee shall conduct his or her private affairs in a manner that maintains public confidence in the integrity of the office and the Kenya National Library Service as a whole and shall—

Integrity in private affairs.

- (a) not evade paying taxes;
- (b) not neglect financial obligations;
- (c) submit an annual declaration of income, assets and liabilities to the body responsible for such declarations from public officers;
- (d) not engage in political activity that may compromise or be seen to compromise the neutrality of the office, or the Kenya National Library Service; and
- (e) not preside over or play a central role in the organization of a fundraising activity.

6. (1) A member or employee shall not sexually harass a member of the public or colleague.

Sexual harassment.

(2) Sexual harassment includes—

- (a) making a request or exerting pressure for sexual activity or favours;
- (b) making intentional or careless physical contact that is sexual in nature; or
- (c) making gestures, jokes or comments, including innuendoes regarding another person's sexuality.

**7.** A member or employee shall not practice favouritism on the grounds of tribe, race, kin, culture, sex or acquaintance or otherwise in performance of duties.

Nepotism.

**8.** This Code is in addition to the provisions of the Public Officers Ethics Act and where there is a conflict between the Code and the Act, the provisions of the Public Officers Ethics Act shall prevail.

Application of the  
Public Officers  
Ethics Act.  
No. 4 of 2003.

**9.** Any breach of the Code by a member the Board or officer of the Kenya National Library Service shall be treated as gross misconduct.

Breach of code.



**THIRD SCHEDULE****(s.26)****MINIMUM STANDARDS FOR THE KENYA NATIONAL LIBRARY SERVICE**

The Kenya National Library Service shall conform to the following minimum standards—

<b>No. Standard</b>	<b>Description</b>
1. National Bibliographic Control procedures	Legal deposits, production of Kenya National Bibliography (KNB), development of union catalogue, incorporate Cataloguing in Publication (CIP).
2. Internationally accepted Resource Description	Use of international cataloguing and classification standards including Resource Description Access (RDA), MARC formats among others.
3. National and public Libraries policy guidelines	Developing policy framework for national and public libraries e.g. collection development, disposal, etc.
4. Kenya Library Association (KLA) guidelines	Enforcing best practices in Library and information schools, subscription to international professional association, fostering adherence to international professional standards, certification to practice as professionals.
5. Procedures for preservation and conservation of National heritage	Digitization, microfilming, archiving, de-acidification.
6. Guidelines for establishment of libraries	Public, community, special, school.
7. ISO 9001:2008 Requirements	Quality assurance, complaint mechanisms, service charter.
8. National Reference Centre control measures	Information resources, human resources and ICT. Legal deposits, e-resources, international exchange of publications, UN Depository (world Bank, IMF, ILO), Kenya (publication of Kenyan interest).
9. Research	Conducting research in emerging issues in libraries and related services,

- |  |   |
|--|---|
|  | developing research database (knowledge repository) Institutional/National repository.                                |
| 10. Information Communication and Technology (ICT) control | Integrating ICT in library services, content management system (CMS), document management system (DMS).               |
| 11. Information literacy                                   | User education, information retrieval, finding aids.  |
| 12. Finding aids   | Catalogues, OPACs, qualified human resource.  |
| 13. Security   | Information materials, staff, equipment, building, content, security policy.  |
| 14. Library building                                       | Amenities including water, washrooms, lighting, exits, signage, design.   |
| 15. Accessibility  | Persons with disability (visually impaired, physically challenged).   |
| 16. Location   | Proximity to county headquarters, centrality, ease of access.   |
| 17. Furniture  | Type, adequacy.   |
| 18. Reprographic services                                  | Photocopying reference materials, adhere to copyright law.  |
| 19. NEMA guidelines  | Environment, health, safety, risk, noise.   |
| 20. Staffing levels  | Professionally qualified staff, support staff.  |
| 21. Co-operation and partnership                           | Institutional borrowing, International exchanges (information materials and staff), Public Private Partnership (PPP). |
| 22. Advisory services                                      | Consultancy on library services to all parties.   |
| 23. International Resource Identification Numbers          | Issuance of ISBN, ISMN, ISSN and bar codes.   |

## **MEMORANDUM OF OBJECTS AND REASONS**

The main object of this Bill is to give effect to the Constitution in order to promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage.

**PART I** of the Bill provides for preliminary matters.

**PART II** of the Bill provides for the establishment of the Kenya National Library Service. **Clause 5** provides for the functions of the Kenya National Library Service which include acquiring, preserving and maintaining a collection of library resources, carrying out and encouraging research in the development of libraries and related services and providing a national library reference and referral service among others. **Clause 6** establishes the Board of the Kenya National Library Service and provides for the procedure of appointment for members of the Board whilst **clause 7** provides for the qualifications of the Board members. **Clause 16** provides for the qualifications and functions of the Corporation Secretary whilst **clause 17** empowers the Board to employ such number of staff as it may consider necessary for the proper performance of its functions.

**PART III** contains the financial provisions for the Kenya National Library Service. **Clause 21** outlines the monies that shall constitute the funds of the Kenya National Library Service and **clause 23** provides for the preparation of annual estimates of the Kenya National Library Service before the end of each financial year. **Clause 24** provides for the financial year of the Kenya National Library Service.

**PART IV** sets out the administrative provisions of the Bill. **Clause 26** sets out the standards for the operations of the Kenya National Library Service whilst **clause 29** requires the Kenya National Library Service to maintain records related to libraries.

**PART V** of the Bill contains the general provisions. **Clause 32** provides for the independence of the Kenya National Library Service and **clause 40** deals with the transitional provisions.

The **Schedules** provide for the meetings and procedure of the Board, code of conduct for members of the Board and employees of the Kenya National Library Service and the minimum standards for the Kenya National Service.

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

The Bill does not contain any provisions limiting any fundamental rights or freedom.

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

The Bill affects the functions of County Governments as set out in the Fourth Schedule to the Constitution and is therefore a Bill concerning counties. Section 4 of Part 2 of the Fourth Schedule to Constitution provides that cultural activities, public entertainment and public amenities including libraries is a function of County Governments.

**Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution**

The enactment of this Bill may occasion additional expenditure of public funds.

Dated the 2nd March, 2020.

ADEN DUALE,  
*Leader of Majority Party.*