

SPECIAL ISSUE

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REPUBLIC OF KENYA

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SENATE BILLS, 2020

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THE UNIVERSITIES (AMENDMENT) BILL, 2020**A Bill for****AN ACT of Parliament to amend the Universities Act to make provision for membership of students with disabilities in the students' associations.**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Universities (Amendment) Act, 2020.

Short title.

2. Section 6 of the Universities Act is amended by inserting the following new paragraphs immediately after paragraph (d)—

Amendment of section 6 of No. 42 of 2012

(da) one person with disability appointed by the Cabinet Secretary who is a distinguished academic scholar;

(db) one person appointed by the Cabinet Secretary who is a distinguished academic scholar to represent the minorities and marginalised groups; and

3. Section 41 of the Universities Act is amended in subsection (1A) by deleting paragraph (e) and substituting therefor the following new paragraph—

Amendment of section 41 of No. 42 of 2012

(e) three other members to represent special interests of students of whom at least one shall be a student with disability.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of the Bill is to provide for the inclusion of persons with disabilities in the Commission for University Education and the students' associations in universities. The Bill is meant to specifically cater for persons with disabilities and their interests in the articulation of issues facing students with disabilities in the universities in line with Article 54 of the Constitution. The Bill also takes into account the participation and representation of the minorities and marginalised groups in the governance sphere of universities in line with Article 56 of the Constitution.

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

Under the Fourth Schedule to the Constitution, counties are mandated to implement national education policy in the counties. Since majority of university students are from the counties, inclusion of students with disabilities in the university students' associations will strengthen devolution and enhance the national diversity in universities' students' associations. Universities also have a huge impact on the provision of skilled labour in the counties. In addition, universities provide economic growth in the host counties hence the universities' students' associations should be inclusive of all persons. The Bill also provides a platform to nurture future national and county leaders. The Bill will also ensure that rights of the minorities and marginalised groups that are mostly found in counties are upheld, protected and promoted.

This is therefore a Bill that concerns counties 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 3rd June, 2020.

MWAURA M. ISAAC,
Senator.

Section 6 of Act No. 42 of 2012 which it is proposed to amend—

Constitution of the Commission

- 6.** (1) The Commission shall consist of—
- (a) a Chairperson appointed by the President;
 - (b) the Principal Secretary in the Ministry for the time being responsible for university education;
 - (c) the Principal Secretary in the Ministry for the time being responsible for national treasury;
 - (d) one person appointed by the Cabinet Secretary who is a distinguished academic scholar with at least ten years' experience in management of university education;
 - (e) one person nominated by the Federation of Kenya Employers and appointed by the Cabinet Secretary;
 - (f) one person nominated by chairpersons Councils of public universities in a forum of chairpersons of the Councils of public universities convened by the Cabinet Secretary for that purpose;
 - (g) one person nominated by chairpersons Councils of private universities in a forum of chairpersons of the Councils of private universities convened by the Cabinet Secretary for that purpose; and
 - (h) the Commission Secretary who shall be an ex-officio member.

Section 41 (1A) of Act No. 42 of 2012 which it is proposed to amend—

Students' Association

41. (1) Every university shall have a students' association comprising of all students of the university.

- (1A) A students' association shall be governed by a students' council comprising of—
- (a) a Chairperson;
 - (b) a Vice-Chairperson who shall be of opposite gender with the Chairperson;
 - (c) a Treasurer;
 - (d) a Secretary-General who shall be the secretary to the Council; and
 - (e) three other members to represent special interests of students.