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THE TEACHERS SERVICE COMMISSION (AMENDMENT) (No. 2) BILL, 2026

A Bill for

AN ACT of Parliament to amend the Teachers Service Commission Act; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

Short title

1. This Act may be cited as the Teachers Service Commission (Amendment) (No. 2) Act, 2026.

Amendment of section 2 of Cap. 212

2. Section 2 of the Teachers Service Commission Act (hereinafter referred to as the "principal Act") is amended—

(a) by inserting the following new definitions in proper alphabetical sequence—

"certificate of registration" means the certificate issued under section 28;

"employee" includes teachers and the secretariat staff employed by the Commission;

"gainful employment" has the meaning assigned to it by section 2 of the Conflict of Interest Act; No. 11 of 2025.

"institutional administrator" means a teacher appointed by the Commission and assigned to perform administrative duties in a public basic education institution and includes the principals, deputy principals, deans, registrars, senior masters and senior teachers;

"sexual exploitation" includes sexual abuse of learners through exchange of sex or sexual acts for academic grades, pocket money, school fees, learning materials, protection from school punishment, illicit drugs, gifts, food, shelter and other basics of life and shall include involving learners in creating, accessing, distributing pornographic and sexually explicit materials;

(b) in the definition of "teaching certificate" by deleting the word ''teaching'' appearing before the word certificate and substituting therefor the word ''practicing''

(c) by deleting the definition of "principal" and substituting therefor the following new definition— Amendment of section 2 of Cap. 212.

"principal" means the lead educator or administrator appointed by the Commission and deployed to a public basic educational institution who shall be responsible for the implementation of the educational policy and professional practices inclusive of persons heading basic educational institutions established under the Basic Education Act including Teacher Training Colleges.

3. Section 4 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (b)— Amendment of section 4 of Cap. 212.

(c) take measures to give effect to affirmative action as provided under Articles 27 (6), (7) and 56 (a), (b) and (c) of the Constitution.

4. Section 6 of the principal Act is amended by deleting subsection (3) and substituting therefor the following new subsection — Amendment of section 6 of Cap. 212.

"(3) In appointing members of the Commission, the President shall ensure that two thirds of the members have knowledge, skills and experience in education".

5. Section 7 of the principal Act is amended by deleting paragraph (c). Amendment of section 7 of Cap, 212.

6. Section 8 of the principal Act is amended— Amendment of section 8 of Cap. 212.

(a) by deleting subsection (1) and substituting therefor the following new subsection—

"(1) Whenever a vacancy arises in the Commission, the President shall, within fourteen days declare a vacancy by notice in the *Gazette* and constitute a panel for the purpose of selecting suitable candidates for appointment as the Chairperson or member of the Commission".

(b) in subsection (2)—

(i) by deleting paragraph (h) and substituting therefor;the following new paragraph—

(i) one person nominated by the Institute of Human Resource Management with training, knowledge and experience in human resource management.

(c) by deleting subsection (6) and substituting therefor the following new subsections—

"(6) The selection panel shall, within twenty-one days after the closing date for an application under subsection (5) —

(a) consider the applications to determine their compliance with the provisions of the Constitution and this Act;

(b) shortlist the applicants;

(c) publish the names of the shortlisted applicants in two newspapers of wide circulation;

(d) interview the shortlisted applicants; and

(e) submit the names of three qualified applicants for the position of chairperson and three qualified applicants for each vacancy of a member to the President".

(d) by inserting the following new sub-section immediately after sub-section (6)—

"(6A) In undertaking their functions under this section, the selection panel shall adopt the use of technology to enhance efficiency".

(e) by deleting subsection (7) and substituting therefor the following new subsection—

(7) Within seven days of receipt of the names forwarded under subsection (6), the President shall nominate one person per vacancy for appointment as chairperson or member of the Commission and forward the

names to the National Assembly for approval.

(f) in subsection (9), by deleting the word "applicants" and substituting therefor the word "nominees";

(g) in subsection (12) by—

(i) deleting the word "if" and substituting therefor the word "where"; and

(ii) deleting the expression "(10)" and substituting therefor the expression "(11)";

(h) in subsection (18) by deleting the words "in consultation with the Prime Minister";

(i) by inserting the following new subsection immediately after subsection (19)—

(20) In filling vacancies of the Chairperson and members of the Commission, the President shall ensure that the terms of the persons nominated do not lapse at the same time.

Amendment of section 11 of Cap. 212.

7. Section 11 of the principal Act is amended—

(a) in the introductory phrase, by inserting the expression "and 252(1)" immediately after the expression "Article 237";

(b) by inserting the following new paragraphs immediately after paragraph (f)—

(fa) appoint and deploy institutional administrators to public basic educational institutions established under the Basic Education Act and any other institution as may be prescribed under written law;

(fb) subject to Articles 41(5) and 230 of the Constitution, determine the remuneration and benefits of its employees;

(fc) determine the minimum standards for registration as a teacher;

8. Section 12 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection— Amendment of section 12 of Cap. 212.

(2) In the performance of its functions, the Commission shall have the power to—

(a) act on general evidence or statements relating to the character or conduct of the person concerned and shall not be bound by strict rules of evidence;

(b) subject to any written law, obtain any information it considers relevant, including requisition of reports, records, documents or any information from any source, including governmental authorities;

(c) issue summons as may be necessary to any person or group of persons for the purposes of fulfilling its mandate;

(d) administer oath or affirmation as may be prescribed by Regulations;

(e) establish, designate, appoint and accredit institutions for capacity building and the professional development of its employees;

(f) inform itself in such manner as it considers appropriate and exercise any power for the better performance of its mandate in accordance with the Constitution and the relevant law;

(g) review any of its decisions on its own motion or upon an application by an aggrieved person; and

(h) subject to this Act, regulate its own practice and procedure.

9. Section 13 of the principal Act is amended— Amendment of section 13 of Cap. 212.

(a) by deleting subsection (5);

(b) by deleting sub section (6);

(c) by deleting sub section (7); and

(d) by deleting sub section (8).

Repeal of section 14 of Cap. 212.

10. The principal Act is amended by deleting section 14.

Amendment of section 15 of Cap. 212.

11. Section 15 of the principal Act is amended in subsection (3) by inserting the word "have" immediately after the word "shall".

Amendment of section 18 of Cap. 212.

12. Section 18 of the principal Act is amended—

(a) by inserting the following new subsections immediately after subsection (1)—

(1A) The Commission may create within itself such directorates, divisions or sections for the proper discharge of its mandate and appoint such staff thereto.

(1B) Each directorate, division or section created under subsection (1A) shall act in accordance with the mandate approved by the Commission and directives given in writing by the Secretary.

(b) by deleting subsection (6) and substituting therefor the following new subsection—

(6) The Commission shall ensure that in the appointment of its staff—

(a) there is fair competition and merit;

(b) not more than two-thirds are of the same gender;

(c) there is representation of the youth and persons with disabilities; and

(d) there reflects regional and ethnic diversity of the people of Kenya.

Insertion of new section 18A in Cap. 212.

13. The principal Act is amended by inserting the following new section immediately after section 18—

Decentralization of the functions of the Commission

18A. (1) The Commission—

(a) shall, pursuant to Article 6(3) of the Constitution ensure reasonable access to its services in all parts to the country so far as it is appropriate to do so; and

(b) may establish offices at any such administrative levels as it may determine and deploy officers for the proper discharge of its functions.

(2) The Commission shall prescribe duties and responsibilities of persons occupying the offices established under this section.

Amendment of section 20 of Cap. 212.

14. The principal Act is amended by deleting section 20 and substituting therefor the following new section—

Delegation by the Commission.

20. Subject to this Act, the Commission may, either generally or in particular case, delegate in writing to any committee or to any member, officer, staff or agent of the Commission the exercise of any of the functions of the Commission under this Act provided that, nothing shall stop the Commission from exercising any of its functions delegated pursuant to this Act.

Amendment of section 21 of Cap. 212.

15. Section 21 of the principal Act is amended by deleting subsection (1).

Repeal and replacement of the title to Part III of Cap. 212.

16. The principal Act is amended by deleting the title to Part III and substituting therefor following new title—

PART III—REGULATION OF THE TEACHING SERVICE

Insertion of new section 22A of Cap. 212.

17. The principal Act is amended by inserting the following new section immediately after the title to Part III—

Registration and compliance

22A. (1) The Commission shall, in accordance with Article 237(3) of the Constitution and Section 11 of this Act—

(a) review the standards of education and training of persons entering the teaching service;

(b) develop teaching and performance standards for teachers;

(c) ensure compliance with the teaching and performance standards;

(d) advise the national government on standards of education and training of persons entering the teaching service;

(e) maintain the teacher register as per the provisions of this Act;

(f) issue or cancel certificates of registration in accordance with regulations made under this Act; and

(g) advise the national government on demand and supply of teachers.

Amendment of section 23 of Cap. 212.

18. Section 23 of the principal Act is amended by inserting the following new subsections immediately after subsection (1)—

(1A) The qualifications for registration of teachers shall be as set out in the Regulations.

(1B) In setting the qualification for registration in accordance with subsection (1A), the Commission shall take into account amongst others, the admission requirements prescribed by the ministry responsible for matters related to education.

(1C) The Commission may from time to time review the qualifications for registration as a teacher.

Insertion of a new section 24A into Cap. 212.

19. The principal Act is amended by inserting the following new section immediately after section 24—

Qualification for registration as a teacher.

24A. A person shall be eligible for registration as a teacher if such person—

(a) meets the registration requirements set out in the Regulations; and

(b) is of good moral character.

Amendment of section 25 of Cap. 212

20. Section 25 of the principal Act is amended by inserting the following new subsections immediately after subsection (2)—

(2A) Upon receipt of the application under sub-section (1), the Commission shall conduct due diligence to confirm the authenticity of the academic and professional certifications submitted by the applicant.

(2B) Where the Commission is satisfied that the applicant has fulfilled all the requirements for registration, it shall register the applicant.

Repeal of section 26 of Cap. 212.

21. The principal Act is amended by deleting section 26.

Amendment of section 27 of Cap. 212.

22. Section 27 of the principal Act is amended—

(a) in paragraph (a), by deleting the words "prescribed qualifications" and substituting therefor the words "qualifications prescribed under this Act and the Regulations"; and

(b) in paragraph (e), by deleting the words "in the opinion of the Commission, are prejudicial to peace, good order or good government in Kenya" and substituting therefor the words "are prejudicial to the safety and welfare of learners and teachers".

Amendment of Section 30 of Cap. 212.

23. Section 30 of the principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (c), by deleting the words "pupil and student" and substituting therefor the word "learner";

(ii) by deleting paragraph (f)

(b) in subsection (3), by inserting the words "or by electronic means" immediately after the word "mail".

Amendment of Section 31 of Cap. 212.

24. Section 31 of the principal Act is amended—

(a) in subsection (1)(a), by deleting the word "confirmed" and substituting therefor the word "upheld";

(b) in subsection (1)(b), by deleting the word "restored" and substituting therefor the word "reinstated";

(c) in subsection (2), by deleting the words "eighteen months" and substituting therefor the words "three years";

(d) by inserting the following new subsection immediately after subsection (2)—

(3) The procedure of reinstating a person to the Register shall be as provided under the regulations.

Amendment of section 32 of Cap. 212.

25. Section 32 of the principal Act is amended—

(a) by deleting the marginal note and substituting therefor with the following new marginal note—

"Publication of changes in the register";

(b) by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Commission shall publish and publicize in an accessible manner annually the names of—

(a) newly registered teachers under this Act; and

(b) any teacher reinstated to the Register pursuant to section 31 of this Act;

(c) by inserting the following new subsection immediately after subsection (1)—

(1A) The information specified in subsection (1) shall contain the name, teacher registration number and date of registration or reinstatement to the Register.

Amendment of section 33 of Cap. 212.

26. Section 33 of the principal Act is amended by inserting the following new subsection immediately after subsection (2)—

(3) A person may face disciplinary action under this section if the person—

(a) engages in immoral behaviour with or towards a learner which may include—

(i) sexual intercourse;

(ii) sodomy;

(iii) lesbianism;

(iv) sexual harassment;

(v) sexual exploitation;

(b) obtains registration through fraudulent means;

(c) is convicted of any sexual offence or any other offence against a learner or minor;

(d) is convicted of a criminal offence which, renders the person unfit to be a teacher;

(e) impersonation or presenting forged documents to the Commission;

(f) any other act or conduct that is incompatible with the teaching profession; or

(g) commits any other offence as may be prescribed by any other written law or the regulations.

Amendment of section 34 of Cap. 212.

27. Section 34 of the principal Act is amended—

(a) by deleting subsection (2); and

(b) by deleting subsection (3).

Repeal and replacement of section 35 of Cap. 212.

28. The principal Act is amended by deleting section 35 and substituting therefor the following new section —

Teaching standards.

35. The Commission shall set and review professional teaching standards for the teaching service.

Amendment of section 21 of Cap. 212.

29. The principal Act is amended by inserting the following new section immediately after section 35—

Regulations.

35A. The Commission shall make regulations to give better effect to this Part.

Insertion of a new Part into Cap. 212.

30. The principal Act is amended by inserting the following new Part immediately after PART III—

PART III A—TEACHER MANAGEMENT

Performance management

35B. (1) The Commission shall develop and maintain a transparent performance management system for the public teaching service.

(2) For purposes of subsection (1), the Commission shall—

(a) develop and implement a performance appraisal framework for all teachers in public service;

(b) in addition to the performance appraisal framework, place principals on performance contract;

(c) require principals to oversight the performance appraisal of teachers; and

(d) manage the performance appraisal system as provided in the regulations.

(3) Notwithstanding the generality of teacher management functions under this Act, the Commission may use the performance management framework to inform rewards, sanctions and identification of skills gaps.

(4) For purposes of subsection (3) the Commission shall in collaboration with the ministry responsible for matters relating to education and other relevant government

agencies, establish and implement a capacity building framework for teachers to provide necessary knowledge, skills, competencies and values to enhance performance, productivity and professional growth.

(5) The Commission shall make regulations to give better effect to the provisions of this section.

Optimal utilization of teachers.

35C. (1) The Commission shall develop and implement appropriate staffing norms and strategies to ensure that the teacher resource is optimally utilized.

(2) The staffing norm developed under subsection (1) may include use of information communication technology and other innovative curriculum delivery methods.

Promotion of teachers.

35E. (1) The Commission shall promote teachers in its service based on the approved establishment and availability of budget appropriated for that purpose.

(2) In undertaking the promotions in subsection (1), the Commission shall be guided by the provisions of Article 232(1)(g) of the Constitution and regulations made under this Act.

Disciplinary control over teachers.

35F. (1) A teacher employed by the Commission under this Act shall be subject to—

(a) the terms and conditions of service put in place by the Commission; and

(b) the policies, guidelines and administrative circulars issued by the Commission from time to time.

(2) A teacher who commits any of the disciplinary offences prescribed in the Third Schedule or any other written law shall be subjected to a fair disciplinary process in

Cap. 226.

accordance with the Employment Act and regulations made under this Act.

(3) The Commission may interdict a teacher pending the full determination of a disciplinary process.

(4) A teacher on interdiction shall be entitled to half of their basic salary and the applicable allowances, except for the offence of desertion of duty.

(5) Where a teacher, having been subject to a disciplinary process is found not culpable, the Commission shall revoke the interdiction.

(6) Where the Commission, having concluded the disciplinary process, finds the teacher culpable, the Commission may—

(a) issue a warning letter to the teacher;

(b) surcharge the teacher;

(c) suspend the teacher from service without pay for such period not exceeding six months;

(d) cancel a registration certificate and remove the name of the teacher from the register;

(e) cause the teacher to be retired in the public interest;

(f) dismiss the teacher from service; or

(g) terminate the services of the teacher.

Temporary vacation from office.

35G. (1) Where a teacher is charged with a serious offence in a court of competent jurisdiction—

(a) the Commission shall cause the teacher to vacate office with effect from the date of the charge until the conclusion of the case; and

(b) the teacher shall be entitled to half of the basic pay and the full applicable allowances from the date of the charge.

(2) Where a teacher who has vacated office under this section is—

(a) acquitted or discharged or the charge is discontinued, the Commission shall reinstate the teacher and pay any benefits that may have been withheld during the period; or

(b) convicted the Commission shall subject the teacher to the appropriate administrative action.

(3) For the purposes of this section, ''serious offence" means an act or omission which grossly offends public policy and interest thereby making the concerned teacher unsuitable to continue serving in the teaching service and includes offences that attract capital punishment under the law.

Amendment of section 36 of Cap. 212.

31. Section 36 of the principal Act is amended by inserting the following new sub section immediately after sub section (2)—

Cap. 412A.

(3) Subject to the provisions of the Public Finance Management Act and any other written law, the Commission may open and maintain bank accounts as shall be necessary for the performance of its functions.

Amendment of Section 37 of Cap. 212.

32. Section 37 of the principal Act is amended—

(a) by deleting the marginal note and substituting therefor the following new marginal note—

"Terms and conditions of service";

(b) in subsection (2) by deleting the words "by the Commission" appearing immediately after the word "recruited";

(c) by deleting subsection (3) and substituting therefor with the following new sub-section—

(3) The Commission shall have powers to determine the terms and conditions of service for its employees.

(d) by inserting the following new subsections immediately after subsection (3) —

(4) In determining the remuneration and allowances of the employees under subsections (2) and (3), the Commission shall be guided by the advice of the Salaries and Remuneration Commission pursuant to Article 230(4) of the Constitution.

(5) Where there are recognized unions, the Commission shall pursuant to Article 41(5) of the Constitution negotiate the terms and conditions of service for employees with the unions.

(6) The Commission may make regulations to give further effect to this section.

Amendment of section 38 of Cap. 212.

33. Section 38 of the principal Act is amended—

(a) by deleting subsection (2);

(b) by deleting subsection (3) and substituting therefor the following new subsection—

(3) The annual estimates shall be approved by the Commission before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for the National Treasury for onward transmission to the National Assembly for consideration and approval.

Amendment of section 41 of Cap. 212.

34. Section 41 of the principal Act is amended—

(a) by deleting the marginal note and substituting therefor the following new marginal note—

"Reporting by the Commission.";

(b) in subsection (1), by inserting the word "annual" immediately before the word "report";

(c) by deleting subsection (2) and substituting therefor the following new subsection—

(2) The Commission shall cause the annual report to be published and publicized in such manner as the Commission may determine.

(d) by inserting the following new subsection immediately after subsection (2)—

(3) Subject to Article 254(2) of the Constitution, the Commission may on its own motion or when required, prepare and submit a report on a particular issue relating to its mandate to the President or Parliament.

35. Section 42 of the principal Act is amended— Amendment of section 42 of Cap. 212.

(a) in subsection (3) by inserting the words "availability and" immediately after the words ''subject to'' appearing in paragraph (c);

(b) by inserting the following new subsection immediately after subsection (4) —

(4A) The Commission shall ensure that any information requested or provided by the Commission complies with the provisions of the Data Protection Act. Cap. 411C.

(c) by inserting the following new subsection immediately after subsection (6) —

(7) The Commission shall ensure the management of personal data is in accordance with the principles of personal data protection as set out in the Data Protection Act. Cap. 411C.

36. Section 44 of the principal Act is amended— Amendment of section 44 of Cap. 212.

(a) by deleting subsection (1) and substituting therefor the following new subsection—

(1) A person who—

(a) procures or attempts to procure the entry of any name on the register by wilfully 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 themselves out to be a registered teacher;

(c) not being a registered teacher, teaches or assists in teaching in any school;

(d) wilfully aids, perpetuates or in any way assists another person to obtain registration by false pretence;

(e) causes, permits or employs to teach in any school a person not being a registered teacher;

(f) defaces, amends, alters, erases or in any way interferes with an entry in the register of teachers,

commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months, or to both.

(b) in subsection (3), by deleting the words "hundred thousand" appearing immediately after the words "fine not exceeding one'' and substituting therefor the word "million".

Insertion of new sections 46A and 46B of Cap.212.

37. The principal Act is amended by inserting the following new sections immediately after section 46—

Review Committee.

46A. (1) There is established a Committee of the Commission known as the Teachers Service Review Committee.

(2) The Review Committee shall consist of any three members of the Commission one of whom shall be the chairperson of the committee.

(3) The Committee shall have jurisdiction to hear and determine applications for review under section 46.

(4) The Commission may admit an application for review if—

(a) new material facts arise which despite due diligence were not available or could not be presented when the decision was made;

(b) there is an error apparent on the record of the earlier decision;

(b) there was a fundamental flaw in the procedure by the Commission; or

(c) the decision was made in breach of any written law.

(5) An application for review under subsection (4) shall be made in writing within ninety days from the date of the decision and shall be accompanied by the prescribed fees.

(6) The Committee shall consider the application and may—

(a) uphold the decision;

(b) vary the decision on such terms as it may deem fit; or

(c) allow the review on such terms as it may deem fit.

(7) The Commission shall make Regulations to further give effect to this section.

Redress in Court.

46B. A person aggrieved by a decision of the Commission may seek redress before the High Court or the Employment and Labour Relations Court.

Amendment of the Second Schedule to Cap. 212.

38. Paragraph 5 of the Second Schedule to the principal Act is amended—

(a) in subparagraph (1), by inserting the words ''child, business associate or agent or any other matter in which the person has a direct or indirect pecuniary or non-pecuniary interest'' immediately after the word ''spouse''; and

(b) in subparagraph (4), by inserting the words "except as provided under the Public Procurement and Asset Disposal Act'' immediately after the word "Commission". Cap. 412C.

39. The principal Act is amended by deleting the Third Schedule and substituting therefor the following new Schedule— Repeal and replacement of the Third Schedule to Cap. 212.

THIRD SCHEDULE *(s. 35F)*

DISCIPLINARY OFFENCES IN THE TEACHING SERVICE

The following shall constitute disciplinary offences in the teaching service—

(a) immoral behavior with a learner, including—

(i) sexual intercourse;

(ii) sodomy;

(iii) lesbianism;

(iv) sexual harassment or flirtation with a learner or employee of the Commission;

(v) exposure to pornography; and

(vi) aiding immoral conduct;

(b) professional misconduct including—

(i) negligence of duty;

(ii) chronic absenteeism;

(iii) desertion;

(iv) incitement; and

(v) insubordination; and

(c) infamous conduct including but not restricted to drunkenness; fighting; and use of vulgar and abusive language;

(d) cyberbullying;

(e) submitting forged documents to the Commission to influence decision making processes;

(f) falsification and alteration of official documents or data;

(g) mismanagement, misappropriation and embezzlement of public funds and violation of procurement regulations;

(h) exposing learners to or supplying them with illicit drugs and psychotropic substances;

(i) aiding an unregistered person to gain employment as a teacher;

(j) theft of institutional property;

(k) giving false or misleading information to the Commission;

(l) engaging in other gainful employment while an employee of the Commission

(m) conviction on a criminal offence by a Court of law which renders an employee unfit to remain in employment; or

(n) any other offence as may be provided in any written law and the Regulations made under this Act.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Teacher Service Commission Act, Cap. 212, to provide for further regulation of the minimum entry requirements for persons undertaking teaching courses; the registration and employment of teachers; to provide for administration of education institutions and to provide for further offences by teachers.

Clause 1 of the Bill is the short title of the Act.

Clause 2 of the Bill proposes the amendment of section 2 of the Teachers Service Commission Act to include new definitions of "certificate of registration", "sexual exploitation", "employee", "gainful employment" and "institutional administrator". The definitions seek to align the principal Act to the Constitution and the best practices.

Clause 3 of the Bill proposes the amendment of section 4 of the principal Act to provide for incorporation of affirmative action as a principle under the Act.

Clause 4 of the Bill proposes to amend section 6 of the principal Act to provide for a clear threshold on the diversity of members of the Commission and to blend the professional background of the members of the Commission.

Clause 5 of the Bill proposes to amend section 7 to delete paragraph (c) to remove reference to membership in local authorities as a ground of disqualification to be appointed as a Chairperson or member of the Commission.

Clause 6 of the Bill proposes to amend section 8 of the principal Act to provide for clear timelines within which to nominate and fill vacant positions within the Commission's membership and to provide for further provisions on the selection panel.

Clause 7 of the Bill proposes the amendment of section 11 of the principal Act to provide for further functions of the Commission in relation to powers to deploy institutional administrators and outlining the regulatory mandate of the Commission.

Clause 8 of the Bill provides for the amendment of section 12 of the principal Act to provide for powers of the Commission.

Clause 9 of the Bill proposes the amendment of section 13 to delete subsection (5), (6), (7) and (8) on the consultative committee on the terms and conditions of service of registered teachers.

Clause 10 of the Bill proposes to delete section 14 which was referring to the units of the Commission. The section has been merged with section 18.

Clause 11 of the Bill proposes the amendment of section 15 to correct a typographical error.

Clause 12 of the Bill proposes the amendment of section 18 of the principal Act to provide for creation of administrative levels within the Commission and to provide for criteria for appointment of the staff of the Commission.

Clause 13 of the Bill proposes to insert a new section 18A on decentralization of the functions of the Commission.

Clause 14 of the Bill proposes amendment of section 20 of the principal Act to provide for delegation of the powers of the Commission.

Clause 15 of the Bill proposes amend section 21 to provide for the protection of the Commission against suits.

Clause 16 of the Bill proposes the amendment of section 22 of the principal Act to provide for criminal liability by the staff of the Commission.

Clause 17 of the Bill proposes to insert a new Part III on regulation of the teaching service.

Clause 18 of the Bill proposes to insert a new section 22A immediately after Part III to provide for registration and compliance for teachers entering the teaching service.

Clause 19 of the Bill proposes the amendment of section 23 of the principal Act to provide for new subsections on the qualifications for registration of a teacher.

Clause 20 of the Bill proposes to provide for regulations that will provide for qualification requirements for persons who intend to be registered as teachers;

Clause 21 of the Bill proposes to amend section 25 to insert new subsections immediately after subsection (2) to provide consideration of applications for registration as teachers.

Clause 22 of the Bill proposes to delete section 26 of the principal Act.

Clause 23 of the Bill proposes to provide for amendment of section 27 of the principal Act to provide further provisions on the grounds for refusal to register a teacher.

Clause 24 of the Bill proposes to amend section 30 of the principal Act to provide further provisions on the removal of name from the register of teachers.

Clause 25 of the Bill proposes to amend section 31 of the principal Act to provide further provisions on the reinstatement of a name of a teacher to the register.

Clause 26 of the Bill proposes to amend section 32 of the principal Act to provide further provisions on the publication of changes in the register.

Clause 27 of the Bill proposes to amend section 33 of the principal Act to provide for grounds for removal of name from the register of teachers.

Clause 28 of the Bill proposes to amend section 34 of the principal Act to delete subsection (2) and (3) which were providing for disciplinary offences.

Clause 29 of the Bill proposes to delete section 35 of the principal Act and substitute with a new section provide for teaching standards.

Clause 30 of the Bill proposes to insert a new section of the principal Act immediately after section 35 to provide for the Commission making regulations.

Clause 31 of the Bill proposes to insert a new Part of the principal Act to provide for teacher management.

Clause 32 of the Bill proposes to insert new sections of the principal Act immediately after section 35 to provide for performance management and capacity building, establishment of the Institute of Teacher Support and Professional Development, optional utilization of teachers, promotion of teachers, disciplinary control over teachers and temporary vacation from office.

Clause 33 of the Bill proposes to amend section 36 of the principal Act to provide for the power of establishing bank accounts.

Clause 34 of the Bill proposes to amend section 37 of the principal Act to provide for the terms and conditions of service of employees.

Clause 35 of the Bill proposes to amend section 38 of the principal Act to provide for the sequence of activities to have the budget estimates approved by the Commission first, submitted to the CS and thereafter transmitted to National Assembly.

Clause 36 of the Bill proposes to amend section 41 of the principal Act to provide for reporting by the Commission.

Clause 37 of the Bill proposes to amend section 42 of the principal Act to provide for the management of information in accordance with the Data Protection Act, *Cap. 411C.*

Clause 38 of the Bill proposes to amend section 44 of the principal Act to provide for further offences and revised penalties.

Clause 39 of the Bill proposes to insert new sections in the principal Act immediately after section 46 to provide for the review committee of the Commission to consider applications for review of employees and appeal to court after the review.

Clause 40 of the Bill proposes to amend the Second Schedule to the principal Act to provide further provisions on conflict of interest.

Clause 41 of the Bill proposes to amend the Third Schedule to the Principal Act to provide for disciplinary offences in the teaching service.

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

The Bill does not delegate legislative powers to the Cabinet Secretary but it does not limit fundamental rights and freedoms.

Statement on whether the Bill concerns County Governments

The Bill does not concern county governments in terms of Article 110(1)(a) of the Constitution.

Statement on whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

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

Dated the 25th August, 2026.

JULIUS K. MELLY,

Chairperson, Departmental Committee on Education.

Section 2 of Cap. 212 that it is proposed to amend—

2. Interpretation

(1) In this Act, unless the context otherwise requires—

"chairperson" means the chairperson of the Commission appointed under the Constitution and section 8;

"Commission" means the Teachers Service Commission established under Article 237 of the Constitution;

"head teacher" means the lead educator or administrator in a primary school level educational institution appointed by the Commission as such and responsible for the implementation of the educational policy guidelines and professional practices;

"learner" means a person undergoing instruction in an educational institution;

"member" means a member of the Commission appointed in accordance with the Constitution and section 8 of this Act;

"principal" means the lead educator or administrator in a post-primary school level educational institution appointed by the Commission as such and responsible for the implementation of educational policy guidelines and professional practices;

"register" means the register of teachers as provided for by section 24;

"Secretary" means the Secretary to the Commission appointed by the Commission under Article 250(12) of the Constitution in accordance with the procedure set out in section 16;

"teacher" means a person who has been trained as a teacher as provided for in law and registered as a teacher;

"teaching certificate" means a certificate issued to a registered teacher under section 35(2)(b) of this Act;

"teaching service" means the collectivity of all individuals registered by the commission and engaged in the teaching profession whether employed by the Commission or not; and

"teaching standards" mean standards of teaching prescribed by the Commission under section 35 and the regulations made thereunder.

(2) Until after the first general elections under the Constitution, references in this Act to the expression "Cabinet Secretary" and "Principal

Secretary" shall be construed to mean "Minister" and "Permanent Secretary" respectively.

Section 4 of Cap. 212 that it is proposed to amend—

4. Guiding principles

In the performance of its functions and the exercise of its powers, the Commission shall—

(a) be guided by the national values and principles of governance under Article 10 and the values and principles of public service under Article 232 of the Constitution, taking into account the best interests of the child under Article 53 of the Constitution; and

(b) subject to Article 249(2) of the Constitution, consult with State and non-State actors in the education sector.

Section 6 of Cap. 212 that it is proposed to amend—

6. Qualification for appointment of chairperson and members

(1) A person shall be qualified for appointment as the chairperson if such person—

(a) holds a degree in education from a university recognized in Kenya;

(b) has knowledge and experience of at least fifteen years in matters relating to education and training; and

(c) meets the requirements of Chapter Six of the Constitution.

(2) A person shall be qualified for appointment as a member if such person—

(a) holds a degree from a university recognized in Kenya;

(b) has knowledge and experience of at least ten years in matters relating to any of the following fields—

(i) education;

(ii) governance;

(iii) management; or

(iv) law; and

(c) meets the requirements of Chapter Six of the Constitution.

(3) In appointing members of the Commission, the President shall ensure that at least two-thirds of the members have experience in education.

Section 7 of Cap. 212 that it is proposed to amend—

7. Disqualification from membership

A person shall not be qualified for appointment as a chairperson or member if the person—

(a) is a serving member of Parliament or County Assembly;

(b) is a serving member of a governing body of a political party;

(c) is a member of a local authority; or

(d) has been found in accordance with any law to have misused or abused a State office or public office or in any way to have contravened Chapter six of the Constitution.

Section 8 of Cap. 212 that it is proposed to amend—

8. Procedure for nominations and appointment

(1) Within fourteen days of the commencement of this Act, or whenever a vacancy arises in the Commission, the President in consultation with the Prime Minister shall by notice in the Gazette declare a vacancy and constitute a selection panel for the purpose of selecting suitable candidates for appointment as the chairperson or member of the Commission.

(2) The selection panel constituted under subsection (1) shall consist of—

(a) a chairperson not being a public officer appointed by the President;

(b) the Cabinet Secretary in the Ministry responsible for matters relating to education or his representative;

(c) the Attorney General or his representative;

(d) the Cabinet Secretary in the Ministry responsible for public service or his representative;

(e) one person nominated by the Federation of Kenya Employers;

(f) two persons, one man and one woman, nominated by the registered trade unions representing the interests of registered teachers;

(g) one person nominated by a recognised association of private schools; and

(h) a prominent educationist not serving in Government appointed by the Cabinet Secretary.

(3) A person appointed under subsection (2)(f) shall not be a serving official of the nominating union.

(4) The chairperson shall convene the first meeting of the selection panel within seven days of his or her appointment.

(5) The selection panel shall, within seven days of convening, invite applications from persons who qualify for nomination and appointment as chairperson or member of the Commission by advertisement in at least two daily newspapers of national circulation.

(6) The selection panel shall within seven days of receipt of applications under subsection (5)—

(a) consider the applications to determine their compliance with the provisions of the Constitution and this Act;

(b) shortlist the applicants;

(c) interview the shortlisted applicants; and

(d) submit the names of three qualified applicants for the position of chairperson and thirteen qualified applicants for the position of a member to the President.

(7) The President shall, within seven days of receipt of the names forwarded under subsection (6), nominate one person and eight others for appointment as chairperson and members of the Commission and forward the names to the National Assembly for approval.

(8) The National Assembly shall, within twenty one days of its sitting, consider each nomination received under subsection (7) and approve or reject any of them.

(9) Where the National Assembly approves the nominees, the Speaker of the National Assembly shall, within five days forward the name of the approved applicants to the President for appointment.

(10) The President shall, by notice in the Gazette, appoint the chairperson and members approved by the National Assembly within seven days of receipt of the approved nominees from the Speaker of the National Assembly.

(11) Where the National Assembly rejects any nominee, the Speaker shall within five days communicate its decision to the President and request the President to submit fresh nominations from amongst the persons shortlisted and forwarded by the selection panel under subsection (6).

(12) If the National Assembly rejects any or all of the subsequent nominees submitted by the President for approval under subsection (10), the provisions of subsections (5) and (6) shall apply.

(13) The panel shall stand dissolved upon the appointment of the chairperson and members under subsection (10).

(14) Where the provisions of subsection (11) apply, the panel shall continue to exist but shall stand dissolved upon the requisite appointments being made.

(15) The ministry responsible for public service shall provide secretariat services to the panel.

16) In nominating or appointing a person as a member of the Co. .nission, the panel and the President shall—

(a) observe the principle of gender equity, ethnic and other diversities of the people of Kenya, and shall ensure equality of opportunity for persons with disabilities; and

(b) take into account the national values and principles set out in Articles 10, 27 and 232 of the Constitution.

(17) Until after the first general election under the Constitution, the President shall in nominating persons for appointment as chairperson or member of the Commission act in consultation with the Prime Minister.

(18) Despite the foregoing provisions of this section, the President, in consultation with the Prime Minister may by notice in the Gazette, extend the period specified in respect of any matter under this section by a period not exceeding twenty-one days.

(19) Subject to this section, the panel may determine its own procedure.

Section 11 of Cap. 212 that it is proposed to amend—

11. Functions of the Commission

In addition to the functions set out in Article 237 of the Constitution, the

Commission shall—

(a) formulate policies to achieve its mandate;

(b) provide strategic direction, leadership and oversight to the secretariat;

(c) ensure that teachers comply with the teaching standards prescribed by the Commission under this Act;

(d) manage the payroll of teachers in its employment;

(e) facilitate career progression and professional development for teachers in the teaching service including the appointment of head teachers and principals;

(f) monitor the conduct and performance of teachers in the teaching service; and

(g) do all such other things as may be necessary for the effective discharge of its functions and the exercise of its powers.

Section 12 of Cap. 212 that it is proposed to amend—

12. Powers of the Commission

(1) The Commission shall have all powers necessary for the execution of its functions under the Constitution and this Act.

(2) In the performance of its functions and in the exercise of its powers, the Commission—

(a) may inform itself in such manner as it considers appropriate;

(b) may receive written or oral statements from members of the public;

(c) may require the attendance of a person before it or its committee; and

(d) shall not be bound by the strict rules of evidence.

Section 13 of Cap. 212 that it is proposed to amend—

13. Committees of the Commission

(1) The Commission may from time to time establish such committees as may be necessary for the better carrying out of its functions and the exercise of its powers.

(2) Without prejudice to the generality of subsection (1), the committees may deal with issues relating to recruitment, promotion, dispute resolution and discipline of registered teachers.

(3) The Commission may co-opt into the membership of committees established under subsection (1) any person whose knowledge and skills are necessary for the proper performance of the functions of the Commission.

(4) A person co-opted under subsection (3) may attend the meetings of the committee and participate in its deliberations but shall have no right to vote at the meeting.

(5) In addition to the committees established under subsection (1), the Commission shall constitute a consultative committee on the terms and conditions of service of registered teachers employed by the Commission.

(6) The committee constituted under subsection (5) shall consist of—

(a) a chairperson who shall be an experienced educationist appointed by the Commission;

(b) a member of the Commission;

(c) the Secretary to the Commission;

(d) a representative of the Principal Secretary in the Ministry responsible for education;

(e) a representative of the Principal Secretary in the Ministry responsible for finance;

(f) a representative of the Principal Secretary in the Ministry responsible for public service;

(g) five persons nominated by trade unions representing the interests of registered teachers; and

(h) a certified public secretary of good professional standing appointed by the Commission, who shall be the secretary and an ex-officio member of the committee.

(7) The chairperson, members and secretary appointed under subsection (6) (g) and (h) shall serve for a term of three years renewable for one further term.

(8) The Commission may make regulations to give further effect to this section.

Section 14 of Cap. 212 that it is proposed to amend—

14. Units of the Commission

(1) The Commission may create within itself such directorates, divisions or units and appoint thereto such staff in accordance with the Regulations.

(2) Each directorate, division or unit created under subsection (1) shall act in accordance with the mandate approved by the Commission and directives given in writing by the Secretary.

Section 15 of Cap. 212 that it is proposed to amend—

15. Conduct of the affairs of the Commission

(1) The business and affairs of the Commission shall be conducted in accordance with the Second Schedule.

(2) Except as provided in the Second Schedule, the Commission may regulate its own procedure.

(3) The Commission may invite any person to attend any of its meetings and to participate in its deliberations, but such a person shall no right to vote at the meeting.

Section 18 of Cap. 212 that it is proposed to amend—

18. Secretariat and staff of the Commission

(1) There shall be a secretariat of the Commission which shall be headed by the Secretary.

(2) In addition to the professional, technical and administrative staff appointed by the Commission under Article 252(1)(c) of the Constitution, the Government may, upon the request by the Commission, second to the Commission such number of public officers as may be necessary for the purposes of the Commission.

(3) Further to subsection (2), the Commission may second its staff to other national government institutions at the request of those institutions.

(4) A public officer seconded to the Commission shall, during the period of secondment be deemed to be an officer of the Commission and shall be subject only to the direction and control of the Commission.

(5) The staff of the Commission may be appointed subject to its approved establishment.

(6) The Commission shall ensure that, in the appointment of members of its staff, not more than two thirds of the staff of the Commission shall be of the same gender taking into account of—

(a) persons with disabilities; and

(b) regional and ethnic diversity of the people of Kenya.

Section 20 of Cap. 212 that it is proposed to amend—

20. Delegation by the Commission

Subject to this Act, the Commission may, either generally or in particular case, delegate to any committee or to any member, officer, staff or agent of the Commission the exercise of any of the functions of the Commission under this Act.

Section 21 of Cap. 212 that it is proposed to amend—

21. Legal proceedings against the Commission

(1) Proceedings against the Commission shall be deemed to be proceedings against the Government and shall be subject to the Government Proceedings Act.

(2) Any notice or other processes in respect of legal proceedings under subsection (1) shall be served upon the Secretary to the Commission.

Section 22 of Cap. 212 that it is proposed to amend—

22. Protection from personal liability

(1) No matter or thing done by a member of the Commission or any officer, staff or agent of the Commission shall, if the matter or thing is done in good faith for executing the functions, powers or duties of the Commission, render the member, officer, staff or agent personally liable to any action, claim or demand whatsoever.

(2) The provisions of subsection (1) shall not relieve the Commission of the liability to pay compensation or damages to any person for any injury suffered by them their property or any of their interests and arising directly or indirectly from the exercise of any power conferred by this Act or by the failure, whether wholly or partially, or from any works.

Section 23 of Cap. 212 that it is proposed to amend—

23. Commission to register teachers

(1) The Commission shall, in accordance with Article 237 of the Constitution, be responsible for the registration of trained teachers in the teaching service.

(2) A person shall not engage in the teaching service unless such person is registered as a teacher under this Act.

Section 24 of Cap. 212 that it is proposed to amend—

24. Register of teachers

(1) The Commission shall cause to be kept a register which shall contain—

(a) the names and addresses of every teacher registered under this Act;

(b) the qualifications in respect of which the registration is granted; and

(c) such other particulars as may from time to time be prescribed by the Commission.

(2) A register kept under this section shall be a public document.

Section 25 of Cap. 212 that it is proposed to amend—

25. Application for registration

(1) A person who qualifies to be registered as a teacher under this Act may apply to the Commission in the prescribed manner.

(2) An application made under subsection (1) shall be accompanied by—

(a) certified copies of certificates and other documents as are necessary to prove the applicant's qualification for registration; and

(b) the prescribed fee.

(2) Where the Commission declines to register a person under this section, the Commission shall within thirty days notify that person in writing, stating the grounds for the decision.

Section 26 of Cap. 212 that it is proposed to amend—

26. Qualifications for registration as a teacher

A person shall be eligible to be registered as a teacher if such person—

(a) is of good moral character; and

(b) holds a relevant certificate issued to him or her under any law relating to education and training or regulations made under this Act.

Section 27 of Cap. 212 that it is proposed to amend—

27. Grounds for refusal to register

The Commission shall not register a person as a teacher if such person—

(a) does not possess the prescribed qualifications;

(b) is not of good moral character;

(c) has been convicted of a sexual offence or an offence committed against a learner;

(d) has been convicted of a criminal offence which, in the opinion of the Commission, renders the person unfit to be a teacher;

(e) is engaged in any activities which, in the opinion of the Commission, are prejudicial to peace, good order or good government in Kenya; or

(f) suffers from such physical or mental infirmity which in the opinion of a registered medical practitioner, renders the person incapable of performing the duties of a teacher.

Section 30 of Cap. 212 that it is proposed to amend—

30. Removal of name from the register

(1) The Commission may, after inquiry, cause to be removed from the register the name of any person—

(a) who has died;

(b) who the Commission is satisfied has obtained registration through fraudulent means;

(c) who has been convicted of a sexual offence or an offence against a pupil or student;

(d) who has been convicted of a criminal offence which, in the opinion of the Commission, renders the person unfit to be a teacher;

(e) who the Commission has directed should be removed as a result of disciplinary proceedings instituted under this Act; or

(f) suffers from such physical or mental illness or infirmity which renders the person incapable of performing the duties of a teacher.

(2) The Commission shall cause the name and particulars of a teacher whose name is removed from the register under subsection (1) to be published in the Gazette within one month from the date of such removal.

(3) Subject to the provisions of this Act, the removal of a teacher's name from the register shall be notified by the Commission to the person by registered mail addressed to his or her last known address.

(4) Where the name of any teacher is removed from the register under this Act, such name shall not be reinstated except by direction of the Commission.

(5) A teacher whose name has been removed from the register shall cease to be a teacher for purposes of this Act with effect from the date of such removal.

Section 31 of Cap. 212 that it is proposed to amend—

31. Reinstatement of name in the register

(1) Where the name of any person has been removed from the register, the

Commission may, either of its own motion or on the application of the concerned teacher made in the prescribed manner, and in either case after observing due process, direct that—

(a) the removal of that teacher's name from the register be confirmed; or

(b) the name of the teacher be restored in the register.

(2) An application under subsection (1) may only be made after the expiry of a period of eighteen months from the date of removal of the name from the register.

Section 32 of Cap. 212 that it is proposed to amend—

32. Publication of the register

(1) The Commission shall cause to be published and publicized annually, in an accessible manner, a list containing the names, addresses and qualifications of all registered teachers appearing on the register as at the thirty first day of December in the previous year.

(2) Notwithstanding subsection (1), the Commission shall cause any alterations in the entries in the register which have been made since the last publication, to be published one month from the date of such alteration.

Section 33 of Cap. 212 that it is proposed to amend—

33. Discipline of registered teachers

(1) The Commission may, subject to the regulations made under this Act, take disciplinary action against any person registered as a teacher under this Act.

(2) Subject to subsection (1), the discipline of teachers not in the employment of the Commission shall be limited to offences leading to removal from the register of teachers.

Section 34 of Cap. 212 that it is proposed to amend—

34. Disciplinary action

(1) A registered teacher shall be deemed to be a teacher in the teaching service, save as otherwise provided in this Act or any other law, and shall be subject to the law and regulations from time to time in force in respect of the service.

(2) Disciplinary offences include the offences prescribed in the Third Schedule or any other relevant law.

(3) The Commission, after interdicting a teacher, may take the following disciplinary actions against a registered teacher—

(a) issue a warning letter;

(b) surcharge;

(c) suspend for such period not exceeding six months;

(d) cancel a registration certificate and remove the name of the teacher from the register;

(e) retire in the public interest;

(f) dismiss;

(g) terminate services; or

(h) undertake any other lawful action as it may consider appropriate.

Section 35 of Cap. 212 that it is proposed to amend—

35. Compliance with teaching standards

(1) The Commission shall take all necessary steps to ensure that persons in the teaching service comply with the teaching standards prescribed by the Commission under this Act.

(2) For purposes of subsection (1), the Commission shall—

(a) require every registered teacher to undertake career progression and professional development programmes as may be prescribed by regulations made under this Act;

(b) require every registered teacher to take out a teaching certificate as prescribed by regulations made under this Act;

(c) enter into agreements with any institution, body, department or agency of the Government pursuant to its functions and powers prescribed under this section; and

(d) appoint an agent or designate a member or staff of the Commission who may enter any educational institution and make an enquiry in that regard.

(3) A teacher who fails to—

(a) undertake a prescribed career and professional development programmes; or

(b) take out a teaching certificate under section 35(2)(b) of this Act,shall be dealt with in accordance with the regulations.

Section 36 of Cap. 212 that it is proposed to amend—

36. Funds of the Commission

(1) The funds of the Commission shall consist of—

(a) monies allocated by Parliament for purposes of the Commission;

(b) grants, gifts, donations or other endowments given to the Commission;

(c) such funds as may vest in or accrue to the Commission in the performance of its functions under this Act or under any other written law.

(2) The receipts, earnings or accruals of the Commission and the balances at the close of each financial year shall not be paid into the Consolidated Fund, but shall be retained for purposes of the Commission under this Act.

Section 37 of Cap. 212 that it is proposed to amend—

37. Remuneration and allowances

(1) The salaries and allowances payable to, and other terms and conditions of service of the chairperson and members of the Commission shall be determined by the Salaries and Remuneration Commission.

(2) The staff of the Commission recruited by the Commission under Article 252(1)(c) of the Constitution shall serve on such terms and conditions as the Commission, in consultation with the Salaries and Remuneration Commission may determine.

(3) The registered teachers recruited by the Commission under Article 237(2)(b) of the Constitution shall serve under such terms and conditions as the Committee established under section 13(5) of this Act in consultation with the Salaries and Remuneration Commission may determine.

Section 38 of Cap. 212 that it is proposed to amend—

38. Annual estimates

(1) Before the commencement of each financial year, the Commission shall cause to be prepared estimates of the revenue and expenditure of the Commission for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Commission for the financial year concerned.

(3) The Cabinet Secretary responsible for finance shall present the estimates approved by the Commission under subsection (2) for consideration and approval by the National Assembly.

Section 41 of Cap. 212 that it is proposed to amend—

41. Annual report

(1) The report of the Commission under Article 254 of the Constitution, shall, in respect of the year to which it relates—

(a) the financial statements of the Commission;

(b) a description of the activities of the Commission; and

(c) any other information relating to its functions that, the Commission may consider necessary.

(2) The Commission shall cause the annual report to be published in the Gazette and publicised and such other manner as the Commission may determine.

Section 42 of Cap. 212 that it is proposed to amend—

42. Management of information

(1) The Commission shall publish and publicise any important information within its mandate affecting the nation.

(2) A person may request for information in the public interest.

(3) A request for information under subsection (2)—

(a) shall be addressed to the Secretary or such other person as the Commission may for that purpose designate;

(b) may be subject to the payment of a reasonable fee in instances where the Commission incurs an expense in providing the information; and

(c) may be subject to confidentiality requirements of the Commission.

(4) Subject to the provisions of Article 35 of the Constitution and the law relating to freedom of information and data protection, the Commission may decline to give information to an applicant where—

(a) the request is unreasonable in the circumstances;

(b) the information requested is at a deliberative stage by the Commission;

(c) the applicant fails to pay the prescribed fee; or

(d) the applicant fails to satisfy any confidentiality requirements imposed by the Commission.

(5) The right of access to information under Article 35 of the Constitution shall be limited to the nature and extent specified under this section.

(6) Every member and staff of the Commission shall sign a confidentiality agreement.

Section 44 of Cap. 212 that it is proposed to amend—

44. Offences

(1) A person who—

(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; or

(b) falsely or fraudulently holds himself or herself out to be a registered teacher, 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 shall not—

(a) without reasonable justification or other lawful excuse, obstruct or hinder, or threaten a member or staff or agent of the Commission in the course of duty under this Act;

(b) submit false or misleading information; or

(c) make false misrepresentation to or knowingly mislead a member or staff of the Commission acting under this Act.

(3) A person who contravenes subsection (2) 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.

Section 46 of Cap. 212 that it is proposed to amend—

46. Review

A person who is aggrieved by a decision of the Commission under this Act may apply to the Commission for review of that decision.