



*Paper laid  
Thursday 5/5/2016  
Afternoon  
Sitting  
A.A.*

**SCHEDULE**

**EXPLANATORY MEMORANDUM**

**EXPLANATORY MEMORANDUM TO THE TOM MBOYA UNIVERSITY  
COLLEGE ORDER, 2016 NO.55**

**PART I**

**NAME OF THE STATUTORY INSTRUMENT: TOM MBOYA UNIVERSITY  
COLLEGE ORDER: NO.87**

**NAME OF THE PARENT ACT: THE UNIVERSITIES ACT, OF 2012**

**ENACTED PURSUANT TO SECTION 20 OF THE UNIVERSITIES ACT, OF 2012**

**NAME OF THE MINISTRY/DEPARTMENT: MINISTRY OF EDUCATION  
SCIENCE AND TECHNOLOGY**

**DEPARTMENT OF HIGHER EDUCATION**

*Gazetted on: 8<sup>th</sup> April, 2016*

**TABLED ON:.....**

**PART II**

**1. PURPOSE OF THE STATUTORY INSTRUMENT**

The purpose of the Statutory Instrument is to establish Tom Mboya University College as a constituent College of Maseno University in order to improve access to higher education in the country as per Vision 2030.

**2. LEGISLATIVE CONTEXT**

To operationalize Section 26 of the Universities Act, 2012 with respect to establishment of public universities in Counties that do not have universities immediately after following the coming into force of the Universities Act, 2012.

### 3. POLICY BACKGROUND

The Government on 23<sup>rd</sup> September, 2011 established a Taskforce on Alignment of the Higher Education, Science and Technology Sector with the Constitution of Kenya. The Taskforce developed policy Sessional paper No. 14 of 2012 which provides for the governance, management, development among others of the higher education sector. This policy was developed against a backdrop of demands of constitutional reforms and change in political governance and the Vision 2030. The policy addresses the issues of access and equity, relevance, quality assurance, financing, governance and management of the Higher education sector among other issues.

The policy took into cognizant that the Kenya labour force is expected to reach 14.5 million by the year 2015. This means that the Kenyan economy will have to create over 4.5 million additional jobs within that period. If this additional labour force has to contribute effectively to economic development, then there is urgent need to improve access to higher education in order to meet this need.

The policy recognizes that access to university education in Kenya is compounded by the increasing number of KCSE Candidates who are attaining the minimum university entry requirements of mean grade of C+ and above. However, quite a number of the qualified students cannot get admitted into local public and private universities due to inadequate capacity. The implementation of Free Primary Education (FPE) in 2003 and the Free Day Secondary Education in 2008 have further increase the number of candidates attaining the minimum university entry requirement hence increased intake in subsequent years.

The policy and the Act were subjected to interrogation by stakeholders through various forums by the Taskforce in 2012. The stakeholders included participant from the Universities sector, TVET and basic education sector, Science, technology and innovation sector among others.

#### 4. **CONSULTATION OUTCOME**

During the various forums held with stakeholders it was agreed that the Government establishes a university in each County giving priority to Counties that do not have universities at the time of the said consultations.

#### 5. **GUIDANCE**

Once the Order is published and approved by Parliament the Cabinet Secretary will appoint Council members for Tom Mboya University College and guide the institution on the implementation of the Order.

#### 6. **IMPACT**

##### 6.1 **The Impact on Fundamental Rights and Freedoms**

The Constitution provide under Article 43(1) (f) access to quality education and also relevant education as per Article 55(a).

##### 6.2 **The Impact on the Private Sector**

The Order provides for establishment of a body corporate which will have the legal status to enter into partnership with the private sector on matters relating to University education. The private sector will be able to participate more effectively through development of curriculum which will be tailored to fit the market demand. Further University College will contribute to production of human resource for economic growth of the country.

##### 6.3 **The Impact on the Public Sector**

The establishment of the University College shall contribute to Vision 2030 which aims at creating a globally competitive and prosperous nation with a high quality of life through the channelling out of highly competitive and innovative graduates.

7. **MONITORING AND REVIEW**

The Ministry shall continuously monitor and evaluate the University College on the implementation of the Order, Act and the Education and Training policy as per the Ministry's Strategic Plan.

8. **CONTACT**

Ministry of Education, Science and Technology

Jogoo House 'B'

Harambee Avenue

P.O. Box 30040-00200

**NAIROBI**

16	<b>Intangible assets - software</b>		20%
	<b>Cost</b>		
	At 1 July 2012		-
	Additions		-
	At 30 June 2013		-
	Additions – internal development		1,938,000.00
	At 30 June 2014		1,938,000.00
	Additions		385,000.00
	At 30 June 2015		2,323,000.00
	<b>Amortization and impairment</b>		
	At 1 July 2012		-
	Amortization		-
	At 30 June 2013		-
	Amortization		387,600.00
	Impairment loss		-
	At 30 June 2014		387,600.00
	Amortization		464,600.00
	Impairment loss		-
	At 30 June 2015		852,200.00
	<b>Net book values</b>		
	At 30 June 2015		1,470,800.00
	At 30 June 2014		1,550,400.00
	At 30 June 2013		-

17	<b>Work In Progress</b>	<b>2015</b>	<b>2014</b>
	Tuition Block Phase 1	1,569,158	84,914,777.00
	Tuition Block Phase 2	50,555,610	13,222,223.00
	Water Treatment Plant	38,827,579	
	Dining Hall	5,800,000	
	Twin Science Lab	6,180,825	
	Balance B/F	98,137,000	
	Balance C/F	201,070,172	98,137,000

18	<b>Payables</b>	<b>2015</b>	<b>2014</b>
	Trade payables	75,900,206	43,478,670
	*Bank Loan	11,965,224	
	Prepayments	1,017,293	
	<b>Total trade and other payables</b>	<b>88,882,723</b>	<b>43,478,670</b>



19	<b>Provision</b>	<b>2015</b>	<b>2014</b>
	Audit Fees	1,000,000	500,000
	Doubtful Debts	1,549,575	1,951,684
	<b>Total</b>	<b>2,549,575</b>	<b>2,451,684</b>
20	<b>Retention Fees</b>	<b>2015</b>	<b>2014</b>
	Retention Fees	10,136,401	8,948,112
	<b>Total</b>	<b>10,136,401</b>	<b>8,948,112</b>
21	<b>Prepayments</b>	<b>2015</b>	<b>2014</b>
	School of Education	-	4,751,321
	School of Inforcoms	-	-
	School of Arts & Social Sciences	-	1,123,145
	School of Science & Engineering	-	760,320
	School Of Agriculture	-	231,457
	School of Business	-	3,189,437
	<b>Total</b>	<b>1,017,293</b>	<b>10,055,680</b>
22	<b>Tax</b>	<b>2015</b>	<b>2014</b>
	PAYE	-	8,600,873
	WHT VAT	-	-
	<b>Total</b>	<b>-</b>	<b>8,600,873</b>
		<b>2015</b>	<b>2014</b>
23	<b>Cash generated from operations</b>		
	Surplus for the year before tax	(65,347,468)	3,904,117
	Adjusted for:		
	Depreciation	64,943,350	40,564,668
	Impairment	-	(4,451,629)
	Gains and losses on disposal of assets	-	-
	Contribution to provisions	2,549,575	2,451,684
	<b>Working capital adjustments:</b>		
	Increase in inventory		2,737,402
	Decrease in receivables		(64,327,610)
	Increase in payables		12,025,233
	Increase in payments received in advance		(3,548,143)