

No.

2014



THE REPUBLIC OF KENYA

HIS EXCELLENCY THE PRESIDENT
UHURU KENYATTA

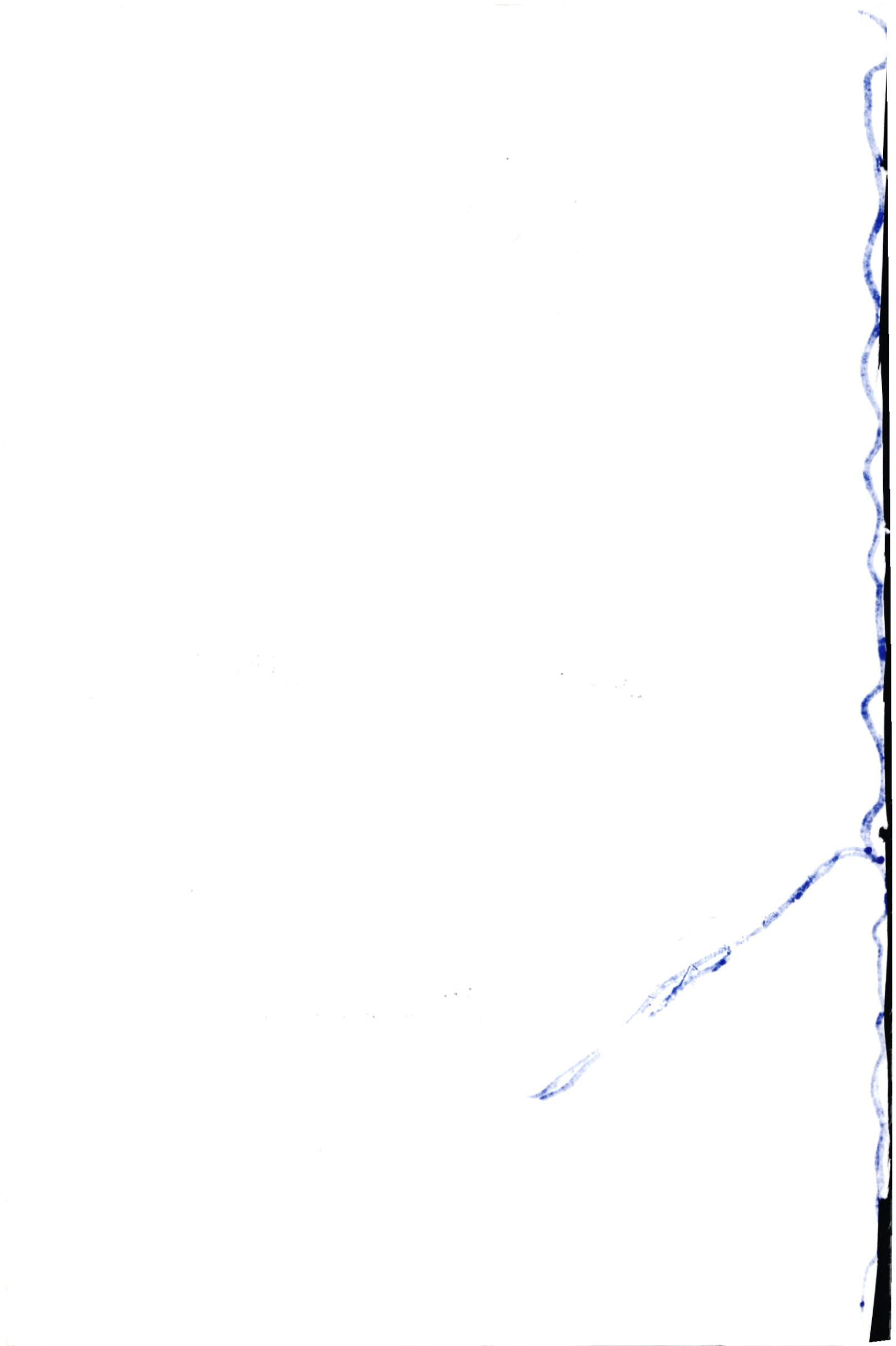
I assent

President

20th November.

, 2014

An Act of Parliament to make minor amendments to
statute law



**THE STATUTE LAW (MISCELLANEOUS
AMENDMENTS) ACT, 2014**

No. of 2014

**AN ACT of Parliament to make minor
amendments to statute law**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Statute Law (Miscellaneous Amendments) Act, 2014. Short title.

2. The several laws specified in the first column of the Schedule are amended, in the provisions specified in the second column thereof, in the manner respectively specified in the third column. Amendment of written laws.

3. The provision in the Schedule relating to the National Honours Act, 2013 shall be deemed to have come into operation on the 25th January, 2013. Commencement of amendment to No. 11 of 2013

SCHEDULE

(s. 2)

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
The Interpretation and General Provisions Act (Cap. 2).	s. 3	<p>Delete the definitions of the words “Minister” and “the Minister” and substitute therefor the following new definitions in proper alphabetical sequence—</p> <p>“Cabinet Secretary” means a person appointed as a Cabinet Secretary of the Government of Kenya under the Constitution;</p> <p>“the Cabinet Secretary” means the Cabinet Secretary for the time being responsible for the matter in question, or the President where executive authority is retained by him:</p> <p>Provided that for the purposes of the administration of laws relating to the legal sector, the expression shall, subject to any assignment under Article 132(3)(c) of the Constitution, include the Attorney-General.</p>

The Advocates Act s.57(1) Delete paragraph (aa).
(Cap 16).

The Criminal Procedure Code New Insert the following section immediately
(Cap. 75). after section 123—

Exception to right
to bail.

123A. (1) Subject to Article 49(1)(h) of the Constitution and notwithstanding section 123, in making a decision on bail and bond, the Court shall have regard to all the relevant circumstances and in particular—

- (a) the nature or seriousness of the offence;
 - (b) the character, antecedents, associations and community ties of the accused person;
 - (c) the defendant's record in respect of the fulfillment of obligations under previous grants of bail; and
 - (d) the strength of the evidence of his having committed the offence.
- (2) A person who is arrested or charged with any offence shall be granted bail unless the court is satisfied that the person—
- (a) has previously been granted bail and has failed to surrender to custody and that if released on bail (whether or not subject to conditions) it is likely that he would fail to surrender to custody;
 - (b) should be kept in custody for his own protection.

The Prisons Act s.46 Delete.
(Cap. 90).

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	s.48	Delete.
The Retirement Benefits Act (Cap 197)	s.25B	Insert the following new paragraph after paragraph (e)— (ee) has in its Board of Directors and top management such number of persons as may be prescribed who are academically and professionally qualified in matters relating to administration of schemes, insurance, law, accounting, actuarial science, economics, banking, finance or investment of scheme funds; (eb) has at least sixty percent of its paid up share capital owned by Kenyan citizens unless the applicant is a bank or an insurance company.
	New	Renumber the existing provision as subsection (1) and insert the following new subsection immediately after the renumbered subsection (1)— (2) A person registered as a scheme administrator under this Act shall comply with the provisions of paragraph (eb) of subsection (1) within six months from the date of commencement of that paragraph.
The Kenya Ports Authority Act (Cap. 391).	s.2(3)	Delete and substitute therefor the following new subsection— (3) This Act shall apply to inland waterways ports.
	Second Schedule	Insert the following new Part immediately after Part II— Part III Kisumu Port.
The Kenya Airports Authority Act (Cap.395).	s. 5(1)	Delete the word “two” appearing in paragraph (f) and substitute therefor the word “five”.

s. 17C Delete and substitute therefor the following new section—

Payments out of
the Fund.

17C. There shall be paid out of the Fund—

- (a) any expenditure incurred by the Authority in the exercise of its powers under this Act; and
- (b) monies for the expenditure of the Kenya Civil Aviation Authority in accordance with section 3(3) of the Air Passenger Service Charge Act.

The Air Passenger Service Charge Act (Cap.475).

s.3(1) Delete the expression “two hundred” appearing in paragraph (b) and substitute therefor the expression “five hundred”.

Insert the following new subsection immediately after subsection (2)—

(3) All proceeds of the charge imposed under this section shall be apportioned between the Kenya Airports Authority and the Kenya Civil Aviation Authority in the following manner—

- (a) for an external journey—
 - (i) eighty-five percent to the Kenya Airports Authority;
 - (ii) fifteen percent to the Kenya Civil Aviation Authority;
- (b) for an internal journey—
 - (i) eighty percent to the Kenya Airports Authority;

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(ii) twenty percent to the Kenya Civil Aviation Authority.

The Postal Corporation of Kenya Act, 1998 (No. 2 of 1998).

s.5(a) Delete subparagraph (ii) and insert the following new subparagraphs—

(ii) postal financial services, and incidental services relating to the issuing, receiving, and paying of mobile e-money, mobile payments, money remittance business, money and postal orders, postal drafts, postal cheques, postal travellers' cheques, giro services, cash on delivery, collection of bills, virtual savings services, general electronic online agency services and registration and for delivery of newspapers and periodicals, and

(iii) electronic retail transfers and the National Payments System.

Schedule Para 5 Insert the expression "Corporation Secretary" immediately after the word "Chairman" wherever it appears.

Delete the words "one member" appearing in the proviso thereto and substitute therefor the words "one or more members".

The National Hospital Insurance Fund Act 1998 (No. 9 of 1998).

s.4(1) Delete the expression "Permanent Secretary" appearing in paragraphs (b), (c) and (d) and substitute therefor the expression "Principal Secretary".

Delete the expression "the Director of Medical Services" appearing in paragraph (d).

Insert the following new paragraph immediately after paragraph (d)—

- (e) the Director of Medical Services or his or her representative.

Insert the words “and the Kenya Union of Post Primary Education Teachers in such manner as may be prescribed” immediately after the words “Teachers” appearing in paragraph (h).

Delete paragraphs (i) and (j) and substitute therefor the following new paragraphs—

- (i) one person nominated by the Kenya Medical Association;
- (j) one person nominated by faith-based healthcare organisations in such a manner as may be prescribed.

Delete paragraphs (k) and (l).

s. 4(2) Delete.

s.10(1) Delete and substitute therefor the following—

(1) There shall be a chief executive officer of the Board who shall be recruited competitively by the Board on such terms and conditions as the Board may, with the advice of the Salaries and Remuneration Commission, determine.

(1A) The chief executive officer shall, subject to the directions of the Board, be responsible for the day-to-day management of the Fund and shall be the Secretary of the Board.

s. 18(1) Delete and substitute therefor the following—

(1) Subject to the provisions of this section and without prejudice to any other penalty imposed under this

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Act, if any contribution which any person is liable to pay under this Act in respect of any month, is not paid on or before the day on which payment is due, a penalty equal to—

- (a) in the case of micro and small enterprises, twenty-five percent of the amount of that contribution; and
- (b) in any other case, two times the amount of that contribution,

shall be payable by that person for each month or part thereof during which the contribution remains unpaid, and any such penalty shall be recoverable as a sum due to the Fund, and when recovered, shall be paid into the Fund.

New Insert the following new subsection immediately after subsection (3)—

“(4) In this section, the expressions “micro enterprise” and “small enterprise” have the meanings assigned thereto respectively in the Micro and Small Enterprises Act, 2012”.

The Copyright Act,
2001 (No. 12 of
2001)

s.22 Insert the following new subsection immediately after subsection (4)—

(5) Rights protected by copyright shall accrue to the author automatically on affixation of a work subject to copyright in a material form, and non-registration of any copyright work or absence of either formalities shall not bar any claim from the author.

s.28(5) Delete the fullstop and add the words “and the compensation shall be collected by the Board and distributed to the

respective copyright collecting society registered under section 46.

New Insert the following new section immediately after section 33—

Grant of licences in
copyright works
withheld from
Kenyan market

33A(1) The competent authority may upon application by any person grant a licence for works not made available in the Kenyan market during the term of copyright where the owner of the copyright in the work—

(a) refuses to republish or allow the republication of the work or to allow the performance of the work in public, and by reason of such refusal the work is withheld from the public; or

(b) refuses to allow—

(i) communication of such work to the public; or

(ii) in the case of a sound recording, the communication of the work recorded in such recording to the public by broadcast,

on terms which the complainant considers unreasonable.

(2) The Board may, after giving to the owner of the copyright in the

work a reasonable opportunity to be heard and after holding such inquiry as it may deem necessary, if it is satisfied that the grounds for such refusal are not reasonable, grant to the complainant a licence to republish the work or communicate the work to the public by broadcast, as the case may be, subject to payment to the owner of the copyright of such compensation and subject to such other terms and conditions as the competent authority may determine.

(3) Where two or more persons make an application in respect of the same work, the licence shall be granted to the applicant who in the opinion of the competent authority would best serve the interests of the general public.

New Insert the following new section immediately after section 46—

Approval for imposition and collection of levy.

46A Notwithstanding any other provision of this Act, no collecting society shall—

- (a) impose or collect royalty based on a tariff that has not been approved and published in the Gazette by the Cabinet Secretary

in charge of
copyright issues
in the Gazette
from time to time;
or

(b) levy royalty on
users exempted
by the Cabinet
Secretary by
notice in the
Gazette.

The Anti-
Corruption and
Economic Crimes
Act (No. 3 of
2003).

s.2 Delete the definition of the word
“Director”.

Insert the following new definition in
proper alphabetical sequence—

“Secretary” means the Secretary of
the Commission appointed under
section 16 of the Ethics and Anti-
Corruption Act, 2011;

s.19 Delete.

s.21 Delete and substitute therefor the
following—

Secretary to Advisory
Board

21. The Secretary of
the Commission appointed
under section 16 of the
Ethics and Anti-
Corruption Act shall be the
Secretary to the Advisory
Board.

s.23 Delete the word “Director” wherever it
appears and substitute therefor the word
“Secretary”.

s.24(2) Delete the word “Director” and substitute
therefor the word “Secretary”.

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- s.26 Delete the word "Director" wherever it appears and substitute therefor the word "Secretary".
- s.27(1) Delete the word "Director" and substitute therefor the word "Secretary".
- s.28 Delete the word "Director" wherever it appears and substitute therefor the word "Secretary".
- s.32 Delete the word "Director" and substitute therefor the word "Secretary".
- s. 62(1) Delete and substitute therefor the following—
- (1) A public officer or state officer who is charged with corruption or economic crime shall be suspended, at half pay, with effect from the date of the charge until the conclusion of the case:
- Provided that the case shall be determined within twenty-four months.
- The Employment Act, 2007 (No.17 of 2007). s.5(3) Delete the word "mental" appearing in paragraph (a) and substitute therefor the word "marital".
- The Anti-Counterfeit Act, 2008 (No. 13 of 2008). s. 2 Delete the words "or elsewhere" wherever they occur in the definition of "counterfeiting".
- s. 6(1) Delete and substitute therefor the following new subsection—
- (1) The management of the Agency shall vest in the Board which shall consist of—
- (a) a Chairman appointed by the Cabinet Secretary from amongst the members appointed under paragraph (h);

- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to industrialisation or his or her representative;
- (c) the Principal Secretary in the ministry for the time being responsible for matters relating to finance or his or her representative;
- (d) the Executive Director appointed under section 10;
- (e) the Commissioner-General of the Kenya Revenue Authority, who may be represented by the Commissioner of Customs;
- (f) the Managing Director of the Kenya Bureau of Standards;
- (g) the Chief Executive of the Kenya Association of Manufacturers or a representative, being a person who meets the qualifications set out in paragraph (h); and
- (h) two members appointed by the Cabinet Secretary, not being public officers, and who hold a degree from a university recognised in Kenya and have at least ten years' experience in matters relating to—
 - (i) intellectual property rights;
 - (ii) consumer protection, or
 - (iii) trade.

S. 16 Add the following new subsection immediately after subsection (3)—

(4) There shall be established an Intellectual Property Enforcement and Co-ordination Advisory Committee whose membership shall consist of—

- (a) the Principal Secretary in the Ministry for the time being responsible for matters relating to trade or a representative who shall be the chairperson; and
- (b) fourteen other members drawn from various agencies involved in the protection and enforcement of intellectual property rights.

New Insert the following new section immediately after section 34—

Compounding of offences

34A.(1) Subject to subsection (2), the Executive Director may, where satisfied that any person has committed an offence under this Act in respect of which a fine is provided for or in respect of which anything is liable to forfeiture, order such person to pay a sum of money, not exceeding the amount of the fine to which the person would have been liable if he or she had been prosecuted and convicted for the offence, as he may deem fit, and the Executive Director may order anything liable to forfeiture in connection with the offence to be forfeited.

(2) The Executive Director shall not exercise the powers conferred under subsection (1) unless the person admits in the prescribed form that he or she has committed the offence and requests the Executive Director to deal with such offence under this section.

(3) Where the Executive Director makes any order under this section—

- (a) the order shall be in writing and shall have attached to it the request of the person to the Executive Director to deal with the matter;
- (b) the order shall specify the offence which the person committed and the penalty imposed by the Executive Director;
- (c) a copy of the order shall be given to the person if the person so requests;
- (d) the person against whom an order is issued under this section shall not be liable to any

further
prosecution in
respect of the
offence, and
where any
prosecution is
subsequently
brought in respect
thereof, it shall be
a defence for the
person to prove
that the offence
which he or she is
charged with has
been compounded
under this section;
and

- (e) the order shall be final, and may be enforced in the same manner as a decree or order of the High Court.

The Merchant
Shipping Act, 2009
(No. 4 of 2009).

- s.2 Delete the expression "409 of this Act" appearing in the definition of the word "inspector" and substitute therefor the expression "14 of the Kenya Maritime Authority Act, 2006".

Insert the words "the mainland and the mainland" immediately after the words "voyage between" appearing in the definition of the expression "local voyage".

Insert the following new definition in a proper alphabetical sequence—

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters related to merchant shipping".

Delete the definition of the word "Minister" and substitute therefor the following new definition—

“Minister” means the Cabinet Secretary.

- s.21 (1) Delete the expression “19” and substitute therefor the expression “20”.
- s.91 (1) Delete the expression “Armed Forces” appearing in paragraph (a) and substitute therefor the expression “Kenya Defence Forces”.
- s.91(4) Delete the expression “Defence Forces of Kenya” and substitute therefor the expression “Kenya Defence Forces”.
- s.388 Delete the expression “under section 388” appearing in paragraph (a).
Delete the words “in respect of any liability and compensation for pollution damage” appearing in paragraph (d) and substitute therefor the words “within the meaning of the International Convention on Civil Liability for Oil Pollution Damage dated 29th November, 1969”.
Insert the following new paragraph immediately after paragraph (f)—
(g) claims for damage within the meaning of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, and any protocol thereto.
- s.428 Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
- The National Youth Council Act, 2009 (No.10 of 2009). s.16(2) Delete paragraph (c).
Delete paragraph (d) and substitute therefor the following new paragraph—
(d) one person each nominated by the following bodies respectively, and appointed by the Cabinet Secretary —

- (i) the Kenya Private Sector Alliance;
- (ii) the Kenya National Council for person with disabilities working in the youth sector;
- (iii) Non-Governmental Organisation working in the youth sector;
- (iv) the public universities;
- (v) the National Agency for the Campaign Against Drug Abuse:

Provided that at least one-third of the persons appointed under paragraph (d) shall be of opposite gender and shall reflect Kenya's ethnic, cultural and religious diversity.

s.16(3) Delete.

s.17 (1) Delete and substitute therefor the following new subsection—

“(1) The functions of the Board shall be to—

- (a) receive and approve the plans, reports, financial statements and the budget of the Council; and
- (b) advise the Council generally on the exercise of its powers and the performance of its functions under this Act”.

The Independent Offices Appointment Act, 2011 (No. 8 of 2011).

s. 6

Renumber the existing provision as subsection (1) and insert the following new subsection—

- (2) If an independent office becomes vacant, or the holder of the office is unable to exercise the

functions of the office due to mental, physical or other incapacity, the President may appoint the next senior-most person within that office to act in that capacity, and the person so appointed shall continue to act in that capacity until a substantive holder of the office is appointed, or, as the case may be, until the person in whose place he or she is acting resumes those functions:

Provided that an acting appointment shall not be for a period exceeding sixty days unless extended by the National Assembly.

The Political Parties Act, 2011 (No. 11 of 2011).

s.34A (1) Delete the introductory portion and substitute therefor the following—

(1) Whenever a vacancy arises in the Office of the Registrar of Political Parties or the Assistant Registrar, the President shall, with the approval of the National Assembly, appoint a Selection Committee comprising—

s.34A(3) Delete.

The Industrial Court Act, 2011 (No. 20 of 2011).

Long title. Delete and substitute therefor the following—

“An Act of Parliament to establish the Employment and Labour Relations Court to hear and determine disputes relating to employment and labour relations and for connected purposes.”

s.1 Delete the word “Industrial” and substitute therefor the word “Employment and Labour Relations”.

s.2 Delete the word “Industrial” appearing in the definition of the word “Court” and

- substitute therefor the words "Employment and Labour Relations".
- s. 3(1) Delete the words "just, expeditious and proportionate" and substitute therefor the words "just, expeditious, efficient and proportionate".
- s.4 Delete and substitute therefor the following new section—
- Establishment of
the Employment
and Labour
Relations Court 4. There is established the Employment and Labour Relations Court pursuant to Article 162(2) of the Constitution.
- s. 5(1) Delete all the words appearing in paragraph (b) immediately after the word "Judges" and substitute therefor the words "as may be determined and recruited by the Judicial Service Commission and appointed in accordance with Article 166(1) of the Constitution."
- s. 6 Delete and substitute therefor the following—
- Qualifications for
appointment of
Judges of the
Court 6. A person shall be qualified for appointment as a judge of the court if the person meets the qualifications specified in Article 166 of the Constitution.
- s. 9(1) Delete paragraph (b) and substitute therefor the following new paragraph—
- (b) one or more Deputy Registrars as the administration of justice requires.
- s. 9(2) Delete the word "control" and substitute therefor the word "direction."
Delete subsections (3), (4) and (5).
- s. 10 Insert the word "has" immediately before the word "demonstrated" appearing in paragraph (b).

- s.11 Delete the introductory portion and substitute therefor the following—
11. The Registrar shall perform the duties assigned to the Registrar under this Act, and such other duties as the Chief Registrar may direct, and in particular be responsible for—
- s. 12 Insert the following new sub-section immediately after sub-section (4)—
- (5) The Court shall have jurisdiction to hear and determine appeals arising from—
- (a) decisions of the Registrar of Trade Unions; and
- (b) decisions of any other local tribunal or commission as may be prescribed under any written law.
- s. 13 Delete the words “made under this Act” and substitute therefor the words “made under the Civil Procedure Act.”
- s. 14 Insert the word “Chief” immediately before the word “Registrar.”
- s. 15 Delete sub-sections (2) and (3).
Insert the following new sub-section immediately after sub-section (5)—
- (6) Nothing in this section shall preclude the Court from making reference to the guidelines as may be published from time to time by the Salaries and Remuneration Commission to the extent to which they may be relevant to the dispute.
- s. 17(2) Delete.
- s. 18 Delete.
- s. 20(1) Delete all the words appearing immediately after the word “technicalities.”

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- s. 20(2) Delete.
- s.20 (3) Delete.
- s. 20(7) Delete the words “two hundred thousand” and “six months” and substitute therefor the words “one million and “two years” respectively.
- s.22 Delete the expression “Industrial Court” and substitute therefor the expression “Employment and Labour Relations Court”.
- s.27 Delete the marginal note and substitute therefor the words “Rules and Regulations”.
- s.27(1) Delete the words “may in consultation with the Commission”.
- s. 28 Delete.
- s. 29(5) Delete.
- s. 30 Delete.
- s. 32(3) Delete.
- s. 35 Delete all words appearing immediately after the words “effect to this Act.”
- The Ethics and Anti-Corruption Commission Act, 2011. (No. 22 of 2011).
- s.11(1) Insert the words “or economic crimes” immediately after the word “corruption” appearing in paragraph (d).
Insert the words “the Anti-Corruption and Economic Crimes Act” immediately before the words “or other written law” appearing in paragraph (d).
- s.11(2) Delete.
- s.11(3) Insert the words “and any foreign government or international or regional organisation” immediately after the word “agencies”.
- s.13(2) Insert a new paragraph immediately after paragraph (d) as follows—
- (e) hire such experts as may be necessary for the performance of any of its functions.

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The Tourism Act, 2011 (No. 28 of 2011).	s.8(1)	Delete the introductory portion to paragraph (g) and substitute therefor the following— “(g) six other members, not being public officers, appointed by the Cabinet Secretary taking into account regional balance and gender parity, of whom”
	s.8(3)	Delete.
	s.14(1)	Delete the words “and with prior approval of the National Assembly”.
	s.20(2)	Delete the introductory portion of paragraph (g) and substitute therefor the following— (g) six other members, not being public officers, appointed by the Minister taking into account regional balance and gender parity, of whom-
	s.20(4)	Delete.
	s.25(1)	Delete the words “and with prior approval of the National Assembly”.
	s.32(1)	Delete the introductory portion of paragraph (f) and substitute therefor the following— (f) five other members, not being public servants, appointed by the Minister taking into account regional balance and gender parity, of whom—
	s.32(2)	Delete.
	s.43(1)	Delete the words “through a competitive process” appearing in paragraph (f).
	s.43(2)	Delete.
	s.48(1)	Delete the words “and with prior approval of the National Assembly”.
	s.54	Delete the words “through a competitive process” appearing in paragraph (h).

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	s.54(2)	Delete.
	s.67(4)	Delete the words “through a competitive process” appearing in paragraph (d).
	s.67(5)	Delete.
	s.73(1)	Delete the words “and with prior approval of the National Assembly”.
	s.77(1)	Delete the words “through a competitive process” appearing in paragraph (e).
	s.77(2)	Delete.
	s.82(1)	Delete the words “and with prior approval of the National Assembly”.
The Veterinary Surgeons and Veterinary Para-professionals Act, 2011 (No 29 of 2011)	s.2 (1)	Delete the definition of “public health officer” and substitute therefor with the following definition— “public health officer” has the meaning assigned to it under the Public Health Officers (Training, Registration and Licensing) Act, 2012;
	s. 23(3)	Delete the words “in private practice”.
	New	Insert a new section immediately after section 44 as follows— <small>Non-application to universities</small> 44A. The supervisory or approval functions of the Board as provided in this Act shall not apply to a university established or accredited in Kenya under the Universities Act, 2012 and which has been granted a Charter.
The Public Appointments (Parliamentary Approval) Act, 2011 (No 33 of 2011)	New	Insert a new section immediately after section 12 as follows— <small>Extension of time</small> 13 (1) Despite the provisions of this Act or any other written law, where a time is prescribed for doing

an act or taking a proceeding by the National Assembly relating to a public appointment, the National Assembly may, by resolution, extend that time by a period not exceeding fourteen days.

(2) Where an extension of time is granted under subsection (1), the doing of all other acts consequential thereto shall be deemed to have been extended accordingly.

(3) The power of the National Assembly contemplated under subsection (1), may be exercised—

- (a) only once in a session of the National Assembly in respect of a particular matter; and
- (b) only in exceptional circumstances to be certified by the Speaker.

The National Land Commission Act, 2012 (NO. 5 of 2012).	s.24	<p>Insert the following new subsection immediately after subsection (1)—</p> <p style="padding-left: 40px;">(1A) The common seal of the Commission shall be authenticated by the signatures of the Chairperson and the Secretary to the Commission.</p>
The Kenya School of Government Act, 2012. (No. 9 of 2012).	s.5(2)	<p>Insert the following paragraph immediately after paragraph (i)—</p> <p style="padding-left: 40px;">(j) encourage pride and excellence in the public service and foster in</p>

managers and other public service employees a sense of the purposes, values and professional work ethic of the public service as stipulated in the Constitution and the relevant policies, laws and regulations;

- (k) ensure acquisition, by officers in the public service, of the analytical, creative, advisory, administrative and other managerial skills and knowledge necessary to develop and implement policy, respond to change, including changes in the expectations of efficient and effective service delivery, and manage Government programs, services and personnel efficiently, effectively and equitably;
- (l) train managers and other public service employees to develop successful working relationships at all levels through leadership, motivation, effective internal communications and the encouragement of innovation, high-quality service to the public and skills development;
- (m) develop within the public service and endeavour to attract to the public service through the School's programs and studies, persons who are of high calibre and who reflect the diversity of Kenyan

- society, and support their growth and development as public sector managers and employees committed to service to the Republic;
- (n) encourage greater public awareness of issues related to public sector management, public administration and the role and functions of Government and involve a broad range of individuals and institutions in the School's pursuit of excellence in public administration.
- s.6(1) Delete the expression "Permanent Secretary" wherever it appears in paragraphs (b), (c) and (d) and substitute therefor the expression "Principal Secretary".
- s.6(4) Delete the expression "five years" and substitute therefor the expression "three years".
- s.8 Delete paragraph (c) and substitute therefor the following new paragraph
- (c) competitively search, vet and submit the names of three nominees to the Cabinet Secretary for appointment to the position of Director-General.
- s.9(3) Delete and substitute therefor the following—
- (1) The members of the Council may attend the meeting in person or through a representative.
- s.13 Insert the following new subsections immediately after subsection (3)—

(3A) The officers and employees necessary for the conduct of the work of the school shall be appointed in accordance with the rules, regulations and procedures of the Public Service Commission.

(3B) Despite subsection (3A) the Director-General may, on behalf of the Council, appoint and employ teaching and research staff and may, with the approval of the Council, determine the terms and conditions of their employment, including their remuneration.

(3C) The rules, regulations and procedures of the Public Service Commission shall not apply to any person employed by the School under subsection (3B).

s.13 Insert the following new subsections immediately after subsection (4)—

(5) In exercising the powers of management and control, the Director-General shall take into consideration the policies of the Government and the policies with respect to learning, training and public service delivery needs and priorities that are established by the Public Service Commission and the relevant Ministry.

(6) The Director-General shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

(7) In the event of a vacancy in the office of the Director-General, the Cabinet Secretary may appoint a senior officer of the

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School to act as Director-General, but the term of such an appointment shall not exceed ninety days except with the Council's approval.

New Insert the following new section immediately after section 13—

Determination of Fees **13A.** The Director-General may, with the approval of the Council prescribe the fees or the manner of determining the fees to be charged for any service or for the use of any facility provided by the School or to be charged by the School when selling, licensing the use of or otherwise making available any property right held, controlled or administered by the School.

The Leadership and s.2 Integrity Act, 2012 (No. 19 of 2012).

Insert the words “and includes the Attorney-General” at the end of the definition of the expression “Cabinet Secretary”.

New Insert the following new section immediately after section 12—

Self-declaration **12A.** Any person intending to be appointed to a State office shall submit to the Commission a self-declaration form in the form set out in the First Schedule.

s.42 Insert the following new subsection immediately after subsection (9)—

(10) Notwithstanding subsection (2) and (3), the Commission may inquire into and

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investigate an alleged breach of the Code either upon receipt of a complaint or on its own motion.

The National Security Council Act 2012 (No. 23 of 2012).

S.96(1)

Delete the expression “non-property” appearing in paragraph (a) and substitute therefor the expression “non-public property”.

s.7

Delete and substitute therefor the following new section—

Secretary to
the Council

7. Until the Council appoints its secretary, the Secretary to the Cabinet shall be the secretary to the Council.

The Kenya School of Law Act, 2012 (No. 26 of 2012).

s.4 (2)

Delete the word “train” appearing in paragraph (c).

s.6 (2)

Delete paragraph (e).

s.7(2)

Insert the words “and may in so doing borrow money and charge property subject to the approval of the Cabinet Secretary for the time being responsible for finance” at the end of paragraph (f).

s.14(4)

Delete paragraph (b) and substitute therefor the following new paragraph—

(b) conduct all examinations, other than examinations reserved for the Council for Legal Education under section 8 of the Legal Education Act in accordance with the Schedule approved by the Board from time to time.

Second
Schedule

Delete paragraph (1) (a) and substitute therefor the following—

Item 1(a)

(a) having passed the relevant examination of any recognised university in Kenya, or of any university,

university college or other institution prescribed by the Council, holds or becomes eligible for the conferment of the Bachelor of Laws (LLB) degree of that university, university college or institution.

Delete the word “or” appearing at the end of subparagraph (b) (ii) and substitute therefor the word “and”.

Item 1(b) Insert the following new subparagraph—

(iii) has sat and passed the pre-Bar examination set by the School.

Item 2 Delete.

The Legal Education Act, 2012 (No. 27 of 2012).

s. 2 Insert the words “including those granted a charter under section 19 of the Universities Act, 2012” immediately after the word “degree” appearing in the definition of “legal education provider”.

s. 4(5) Delete paragraph (a) and substitute therefor the following new paragraph—

(a) the Chairperson, who shall be a person with at least fifteen years’ experience in matters relating to legal education and training, appointed by the President.

Delete the word “four” appearing in paragraph (f) and substitute therefor the word “two.”

Delete the phrase “university, nominated by the universities” appearing in paragraph (g) and substitute therefor the phrase “public university, nominated by public universities”.

Insert the following new paragraph immediately after paragraph (h)—

- “(i) one person who teaches law in a private university, nominated by private universities”.
- s. 4(8) Delete the expression “(5)(g), (h) and (i)” and substitute therefor the expression “(5)(g) and (i)”.
- s. 4(9) Delete the word “four” and substitute therefor the word “three”.
- s.8(1) Insert the words “offered by legal education providers” immediately after the word “Kenya in paragraph (a)”.
- Insert the following new paragraphs immediately after paragraph (d)—
- (e) recognise and approve qualifications obtained outside Kenya for purposes of admission to the Roll.
- (f) administer such professional examinations as may be prescribed under section 13 of the Advocates Act.
- s. 8(2) Insert the word “providers” immediately before the words “be responsible”.
- s. 13 Delete the words “Higher Education” appearing in paragraph (a) and substitute therefor the words “University Education”.
- Part III Insert the word “PROVIDERS” immediately after the word “EDUCATION” appearing in the heading.
- s. 40(1) Insert the words “upon the advice of the Salaries and Remuneration Commission” immediately before the word “determine”.
- s. 46(1) Delete the phrase “Council may, with the approval of the Cabinet Secretary” and substitute therefor the phrase “Cabinet

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		Secretary may, upon recommendation of the Council and with the prior approval of the National Assembly”.
	s. 46(1)(c)	Delete the words “Higher Education” and substitute therefor the words “University Education”.
The Kenya National Examination Council Act, 2012 (No. 29 of 2012)	s.4	<p>Insert the following new paragraph immediately after paragraph (b)-</p> <p style="padding-left: 40px;">(bb) the Principal Secretary to the National Treasury or his representative.</p>
The Universities Act, 2012 (No.42 of 2012).	s.2	<p>Delete subparagraph (iv) of paragraph (f).</p> <p>Delete the expression “section 19” appearing in the definition of the word “Charter” and substitute therefor the expression “sections 19, 24 or 25”.</p> <p>Insert the following definitions in their proper alphabetical sequence—</p> <p style="padding-left: 40px;">“foreign university campus” means an extension of a foreign university, set up by the university pursuant to its statutes and established in accordance with section 28 of this Act;</p> <p style="padding-left: 40px;">“programmes accreditation” means the process by which the Commission recognizes an academic curriculum of a proposed university or of a university with a letter of interim authority or of a foreign university campus;</p> <p style="padding-left: 40px;">“technical university” means an institute of a university, established in accordance with section 25 of this Act.</p> <p style="padding-left: 40px;">“university campus” means a extension of a university set up by the university pursuant to its statutes and established in</p>

accordance with section 20 of this Act.

“quality assurance” means the employment of various measures and mechanisms developed by a university to assess and maintain certain standards and values in its activities.

s. 5(1) Delete paragraph (c) and substitute therefor the following new paragraph—

“(c) promote, advance, publicise and set standards relevant in the quality of university education, including the promotion and support of internationally recognised standards”.

Delete the words “set standards and guidelines” appearing in paragraph (h) and substitute therefor the words “the provisions of this Act or any regulations made under section 70”.

Delete paragraph (l) and substitute therefor the following new paragraph—

“(l) on regular basis, inspect universities in Kenya”.

Delete paragraph (n).

New Insert the following new subsection immediately after subsection (2)—

“(2A) The Commission shall have all the powers as may be necessary for the proper discharge of its functions under this Act”.

s.5(3) Delete the words “save as may be provided under any other written law”.

s.12(1) Insert the words “and any person employed under this section shall be deemed to be a public officer within the

- meaning of the Constitution” at the end of the subsection.
- s.13(3) Delete the words “core courses” appearing in paragraph (h) and substitute therefor the word “academic programmes”.
Insert the following new paragraph immediately after paragraph (h)—
“(ha) the financial ownership structure of the university if the university is a private university”.
- s.15 Delete the words “Interim Letter of Authority” and substitute therefor the words “Letter of Interim Authority”.
- s.15(2) Delete the words “programme or” appearing in paragraph (d) and substitute therefor the word “academic”.
- s.20 (1) Delete paragraph (c) and substitute therefor the following new paragraph—
“(c) may, in accordance with its Charter, develop and mount academic programmes”.
Delete the word “constituent” appearing in paragraph (d).
Delete paragraph (e) and substitute therefor the following new paragraph—
“(e) may award—
(i) degrees, including post-graduate degree and honorary degrees;
(ii) diplomas, including post-graduate diplomas; and
(iii) other academic certificates”.
- s.20(2) Delete the word “constituent”.
Insert the following new subsection immediately after subsection (2)—
(3) The Cabinet Secretary may, in

- consultation with the Commission, by order published in the Gazette, establish or declare an institution of learning or higher education or other training establishment to be a constituent college of a university.
- s.25(2) Delete the expression “2012” and substitute therefor the expression “2013”.
- s.35(1) Delete subparagraph (a)(v) and substitute therefor the following new subparagraph—
- (v) in the case of public universities, recommend the appointment of the Vice-Chancellor, Deputy Vice-Chancellor, and principals and deputy principals of constituent colleges to the Cabinet Secretary after a competitive process.
- s. 35(2) Delete the words “with the approval of the Commission”.
- s. 35(3) Insert the words “in accordance with any written law or financing arrangement under section 51A” at the end of paragraph (b).
- s. 36 (1) Insert the words “or, in the case of a constituent college, the Principal of such college” immediately after the expression “Vice-Chancellor” appearing in paragraph (e).
- Insert the following new subsection immediately after subsection (1)—
- (1A) Notwithstanding subsection (1) the Vice-Chancellor of a public university shall be an ex-officio member of the councils of the constituent colleges of that university.
- s.38 Insert the following new subsection immediately after subsection (4)—

(5) The functions of the Chancellor under subsection (3) may in the absence or incapacity of the Chancellor be performed by the Chairperson of the Council.

s. 51(2) Delete the words "Boards of Trustees" appearing in paragraph (b) and substitute therefor the words "sponsor or the Board of Trustees of the university, or its equivalent".

New Insert the following new section immediately after section 51 —

Financing
arrangements

51A. (1) A private university granted a charter may enter into a financing arrangement with any person or institution upon such terms and conditions as may be set out in the arrangement, for the purpose of financing the objectives for which the university is established.

(2) Without prejudice to the generality of subsection (1), the finance arrangement may set out—

- (a) the rights and obligations of each party to the arrangement;
- (b) the sharing of assets or liabilities arising from the arrangement;
- (c) the manner of termination of such arrangement;
- (d) such other matter as may be necessary under

the law under
which the
arrangement is
made.

- s.66 Insert the word “under” immediately after the words “person acting”.
- s.70(2) Delete the phrase “university campuses and university campus colleges” appearing in paragraph (a) and substitute therefor the phrase “open universities, foreign university campuses and university constituent colleges”.
- Insert the following new paragraphs immediately after paragraph (f)—
- (g) procedure for approval of academic programmes by the Commission;
 - (h) procedure for recognizing and equating degrees, diplomas and certificates conferred by foreign universities;
 - (i) criteria for evaluating internal tools developed by universities for the purpose of assessing quality assurance;
- s.83(1) Insert the words “without further conveyance, transfer or assignment” immediately after the words “the Commission” appearing in paragraph (a).
- s.84(1) Insert the word “term” immediately after the words “remainder of their”.
- First Schedule Delete the word “Board” wherever it appears in paragraphs 1 to 8 and substitute therefor the word “Commission”.

No.	<i>Statute Law (Miscellaneous Amendments)</i>	2014
The Treaty Making and Ratification Act, 2012 (No. 45 of 2012).	s.2(1)	Delete the definition of "Cabinet Secretary" and substitute therefor the following new definition- "Cabinet Secretary" means the Cabinet Secretary responsible for the time being responsible for matters relating to foreign affairs.
	s. 8	Delete the word "Parliament" wherever it appears and substitute therefor the words "the National Assembly".
	s. 8(2)	Delete.
	s. 8(6)	Delete.
	s. 8(7)	Delete and substitute therefor the following new subsection— "(7) Where the National Assembly refuses to approve the ratification of a treaty, the Clerk of the National Assembly shall submit the resolution of the House to the relevant Cabinet Secretary within fourteen days of the resolution".
	s. 8(8)	Delete.
	s. 9	Delete the word "Parliament" wherever it appears and substitute therefor the words "the National Assembly".
	s. 13(1)	Delete the word "treaties" appearing immediately after the words "relating to" and substitute therefor the words "foreign affairs".
The Kenya National Commission for UNESCO Act, 2013 (No. 5 of 2013).	s.28	Delete.
	s.29	Delete.
	s.30	Delete.

2014	<i>Statute Law (Miscellaneous Amendments)</i>	No.
The National Honours Act, 2013 (No. 11 of 2013).	s.2	Renumber the existing provision as subsection (1) and add the following new subsection— (2) For the avoidance of doubt, the provisions of this Act shall be construed without prejudice to the powers of the President under Article 132(4)(c) of the Constitution to confer honours in the name of the people and the Republic.
	s.15	Renumber the existing provision as subsection (1) and add the following new subsection— (2) Notwithstanding any other provision of this Act, until the Regulations contemplated by section 14 are made, the President may confer national honours of the types, categories or classes existing prior to commencement of this Act and the procedures applicable to such conferment shall continue to apply.
The Kenya Law Reform Commission Act, 2013 (No. 19 of 2013).	s.8(1)	Insert the words “one of whom shall be a member of the Law Society of Kenya” immediately after the expression “Attorney-General” in paragraph (c). Delete the expression “Attorney-General” appearing in paragraph (d) and substitute therefor the expression “Director of Public Prosecution” Delete the expression “Cabinet Secretary” appearing in paragraph (e) and substitute therefor the expression “Chief Justice”.
	s. 8(4)	Delete the expression “(1)(c) and (d)” and substitute therefor the expression “(1)(d) and (e).”
The Civil Aviation Act, 2013 (No.21 of 2013).	s.2	Insert the following new definitions in their proper alphabetical sequence— “chief investigator” means the chief

investigator appointed under section 53;

“investigator-in-charge” means the investigator appointed by the chief investigator on the basis of his or her experience and charged with the responsibility for the organisation, conduct and control of an investigation into a specific accident or incident;

“safety recommendation” means a proposal of the chief investigator or the investigator-in-charge, based on information derived from an investigation or other sources, made with the intention of preventing accidents or incidents and not to apportion blame or liability;

- s.7(1)(g) Delete the words “investigator-in-charge” and substitute therefor the words “chief investigator”.
- s.52(b) Insert the word “sole” immediately before the word “purpose”.
- 53(1) Delete the words “an investigator-in-charge” and substitute therefor the words “chief investigator”.
- 53(2) Delete subsection (2) and substitute therefor the following new subsection—
- (2) The investigation of an accident or incident under this Act shall be conducted to determine the facts, conditions, circumstances and safety factors, and where possible the probable cause of the accident, with the sole objective of prevention of future accidents and incidents and not to apportion blame or liability.
- 54(1) Insert the words “the chief investigator” immediately after the word “Kenya”.
- 54(3) Delete the words “person in charge of investigation” and substitute therefor the words “investigator-in-charge”

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54 Insert the following new subsection immediately after subsection (3)—

(3A) No part of the final report referred to under subsection (3) shall be admissible as evidence in a court of law or used in any suit or action for damages arising out of any matter mentioned in such reports.

54(4) Delete the words “person in charge of investigation” and substitute therefor the words the “investigator-in-charge”.

54(7) Delete the words “investigator-in-charge” wherever they appear and substitute therefor the words “chief investigator”; and

Delete the words “person in charge of investigation” and substitute therefor the words “investigator-in-charge”.

54(11) Delete the words “investigator-in-charge” wherever they appear and substitute therefor the words “chief investigator”.

The Science,
Technology and
Innovation Act,
2013
(No.28 of 2013).

s.2 Delete the definition of “Secretary”
Insert the following new definition in its proper alphabetical sequence—

“Director-General” means the Director-General of the Commission appointed under section 8.

s.5(1) Delete the expression “Secretary” appearing at the beginning of paragraph (h) and substitute therefor the expression “Director-General”.

s.8 Delete the expression “Secretary” and substitute therefor the expression “Director-General”.

s.8(1) Delete the words “Secretary to” and substitute therefor the words “Director-General”.

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	s.8(2)	Delete the words “a Commission Secretary” and substitute therefor the term “Director-General”.
	s.8(3)	Delete the word “Secretary” and substitute therefor the expression “Director-General”.
	s.8(4)	Delete the expression “Secretary” and substitute therefor the expression “Director-General”.
	s.12(2)	Delete the word “under” and substitute therefore the word “within”. Delete the letter “a” appearing immediately before the words “research institution” and substitute therefor the words “an academic”.
	s.25(1)	Insert the word “products” immediately after the word “processes”.
	s.41	Delete the expression “Commission Secretary” and substitute therefor the expression “Director-General”.
The Technical and Vocational Education Act, 2013 (No. 29 of 2013).	s.2	Delete the definition of the expression “teacher trainer College” Insert the following new definition in proper alphabetical sequence- “technical trainer college” means an institution offering technical teachers training at higher diploma level.
	s.7	Insert the following new subsection immediately after subsection (2)— (3) For the avoidance of doubt, the Authority shall be the sole body with the powers to perform the functions set out in this section.
	s.9(3)	Delete the word “doctorate” appearing in paragraph (a) and substitute therefor the word “at least a Masters”.

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s.26(1) Delete the word “teacher” appearing in paragraph (b) and substitute therefor the word “technical”.

Renumber the paragraph appearing immediately before paragraph (a) as paragraph (a) and renumber the rest of the paragraphs consecutively.

s.28(1) Delete paragraph (d) and substitute therefor the following new paragraph-

(d) Councils for technical trainer colleges.

s.46 Renumber the subsections appearing immediately after subsection (6) as subsections (7) and (8) respectively.

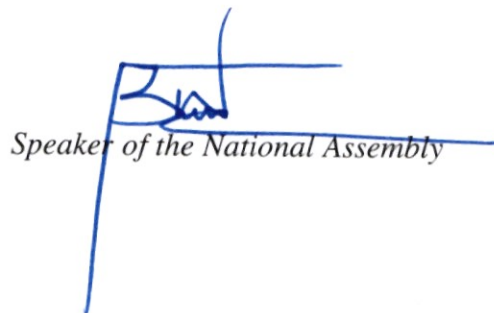
Second Schedule
Para 21 Delete the expression “TIVET” and substitute therefor the expression “TVET”.

I certify that this printed impression is a true copy of the Bill passed by the National Assembly on the 13th November, 2014, pursuant to Article 115(4) of the Constitution, incorporating the President's reservations.



Clerk of the National Assembly

Presented for assent in accordance with the provisions of the Constitution of Kenya on the 19th November, 2014 at the hour of 5.00 p.m.



Speaker of the National Assembly



