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**MINISTRY OF EDUCATION, SCIENCE & TECHNOLOGY**  
Office of the Principal Secretary, State Department of Education

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July 2, 2014

MST/ADM/2/32

Ref. No.....

date

Mr. Justin N. Bundi  
Clerk of the National Assembly  
Parliament Building  
NAIROBI

Dear Mr Bundi

RE: UNIVERSITIES REGULATIONS 2014: UNIVERSITIES ACT 2012

Reference is made to section 11 of the Statutory Instrument Act, 2013 on the laying of the statutory instrument before Parliament.

Attached herein please find the Universities regulations 2014 and a copy of explanatory memorandum as per the Schedule as provided in the Act.

Please note that the Universities Regulations, 2014 were only available at the Government Printer today the 2<sup>nd</sup> of July 2014.

Yours Sincerely

Dr. Belio R. Kipsang  
PRINCIPAL SECRETARY

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SCHEDULE

EXPLANATORY MEMORANDUM

EXPLANATORY MEMORANDUM TO THE UNIVERSITIES REGULATIONS, 2014 NO  
L.N 76/2014

PART I

NAME OF THE STATUTORY INSTRUMENT: UNIVERSITIES REGULATIONS, 2014

NAME OF THE PARENT ACT: THE UNIVERSITIES ACT, NO 42 OF 2012

ENACTED PURSUANT TO: SECTION 70 OF THE UNIVERSITIES ACT, 2012

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

DEPARTMENT OF EDUCATION

*Gazetted on: 13th June, 2014*

TABLED ON:.....

PART II

1. **PURPOSE OF THE STATUTORY INSTRUMENT**

To operationalize the Universities Act, No. 42 of 2012 based on section 70 of the Universities Act that provides for the making of Regulations prescribing development, establishment, accreditation and governance of University Education in-line with the functions of the Commission as spelt out in article five of the Act.

2. **LEGISLATIVE CONTEXT**

To operationalize the Universities Act No 42 of 2012 with respect to the quality of University Education in Kenya.

3. **POLICY BACKGROUND**

The recommendations of the policy Sessional paper No 14 of 2012, on the alignment of the Higher Education, Science and Technology Sector with the Constitution informed the Universities Act 2012. The recommendations also caused a major shift of focus in the education sector in Kenya aiming at globally competitive quality education for sustainable development and public/private sector linkages in the promotion of education. In addition the mandate of the national regulatory agency in charge of University education in Kenya was expanded to incorporate public Universities thus placing both private and public universities

the same legal framework. Foreign universities seeking to offer university education in Kenya were also put under the same regulatory framework.

In 2013 the Cabinet Secretary, having studied the Universities Act, 2012 and considering global best practices in university education drafted the Universities regulations. The later were subjected to stakeholder interrogation through uploading them on the Commission for University Education website in June 2013 and holding a two day stakeholders workshop in October 2013 in order to discuss and validate the draft Universities Regulations. The stakeholders, who were a total of 200 participants, included Top management from Universities in Kenya, representatives from professional bodies and relevant Ministries. Based on feedback received from the stakeholders, the draft university regulations were further refined and the refined copy was forwarded to the Attorney General for drafting as a legal document. The draft copy was sent back to the Ministry by the Attorney General for confirmation of content in May 2014. Upon revision of the Universities Regulations, the ministry forwarded the Universities Regulations to the Attorney General for publication

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

The key participants who were consulted were Vice –chancellors, Deputy Vice Chancellors (academic affairs), University Librarians, Universities Legal adviser, Universities quality assurance co-ordinators, professional bodies’ representatives and ministry representatives. Upon presentation of the universities regulations, the participants were grouped based on their expertise to interrogate the draft Universities Regulations in the areas of:

- 1 .Establishment of Universities
2. Academic programmes
3. Collaborations and licensing of students recruitment agencies
4. Recognition and equations of qualifications
5. Data on universities and general provisions document

The participants then gave their consolidated feedback through their appointed chairs in the plenary. The document was adopted by the participants subject to the consideration of the aspects raised by the various groups, thus validating the Universities Regulation.

#### 5. **GUIDANCE**

Once the Universities Regulations are published the Commission for University Education shall distribute them to all Universities in Kenya and upload them on the Commission website for ease of reference by any interested party. In addition the Commission shall train sensitize its resource person and universities on various aspect of the University Regulation, 2014.

## **6. IMPACT**

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

The access to quality education as per the provision of Article 43 (1)(f) of the Constitutional.

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

The Universities Regulations encourages public/private partnerships in innovative activities, research and entrepreneurship. The quality of graduates will further enhance achievement of a knowledge based society the will contribute towards the growth of the private sector. The establishment of private Universities shall enhance the human capital that will contribute towards Kenya being middle level economy.

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

Under fourth Schedule of the Constitution the functions of ensuring Education policy, standards, curricula, examinations and granting of the University Charters is on the National Government. The Universities Regulations 2014 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. MONITIRING AND REVIEW**

The purpose of these universities regulations is to ensure provision of quality university education in, the Commission shall monitor and review university education through:

1. Requiring regular reports from the Institutions offering University Education
2. Carrying out routine checks
3. Every five years carrying out Institutional Quality Audits to ensure maintenance and enhancement of quality of University Education in Kenya.
4. Regularly collecting and analysing data on University Education for purposes of advising the Cabinet Secretary on policies relating to University education in Kenya.
5. Opening its Communication channels to the publics to receive feedback on the quality of University Education in the Institutions in Kenya.

## **8. CONTACT**

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