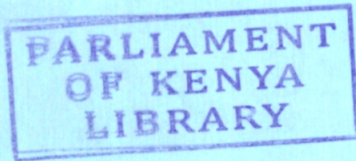


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SENATE BILLS, 2024

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CONTENT

	PAGE
Bill for Introduction into the Senate—	
The County Library Services Bill, 2024	789

THE COUNTY LIBRARY SERVICES BILL, 2024
ARRANGEMENT OF CLAUSES

Clause

- 1—Short title.
- 2—Interpretation.
- 3—Object of the Act.
- 4—Role of county governments.
- 5—Establishment of the Committee.
- 6—Meetings of the Committee
- 7—Functions of the Committee.
- 8—Secretariat.
- 9—Vacancy.
- 10—Vesting of property.
- 11—Recognition of other libraries in the county.
- 12—Reports by the Committee.
- 13—Regulations.

THE COUNTY LIBRARY SERVICES BILL, 2024

A Bill for

AN ACT of Parliament to provide for the establishment of county libraries in each county; the establishment of a County Library Development Committee in each county; the functions and powers of each County Library Development Committee and for connected purposes

ENACTED by the Parliament of Kenya, as follows

1. This Act may be cited as the County Library Services Act, 2024.

2. In this Act—

“book” includes—

- (a) every volume, part, division of a volume and pamphlet in any language;
- (b) manuscript in any form;
- (c) every sheet of music, map, graph, chart or plan separately printed or lithographed; and
- (d) newspapers, periodicals, paintings, posters, photographs, photographic reproduction, gramophonic records, audio-video tapes, floppy, compact discs, slides, microfilms and film scripts for audio visual information and such other materials;

“committee” means a County Library Services Development Committee established under section 5;

“county executive committee member” means the county executive committee member responsible for library services within the county; and

“library” means an organised collection of printed books, periodicals or any graphic or audio-visual material to which a member of the public has access free of charge or on payment of fees or by virtue of being a member of an organisation or institution.

3. The object of this Act is to—

- (a) establish libraries in each county to ensure that learners and the communities within the county

Object of the Act.

have access to educational resources and information;

- (b) to promote literacy in counties;
- (c) to support education, cultural and research activities by providing necessary resources and facilities; and
- (d) to ensure the preservation of cultural heritage of counties for future generations.

4. The County Government shall

- (a) approve and integrate the county libraries annual work plan into the annual county budget;
- (b) mobilise resources necessary for the delivery of library services in the respective county;
- (c) allocate adequate funds and resources necessary for the effective development of libraries;
- (d) collaborate with such entities as it may consider necessary =

- (i) for the development of capacity building and training programmes for librarians in the county; and
- (ii) in financing and mobilising resources for the development and maintenance of county libraries; and

(e) provide the necessary resources for capacity building of the county library staff.

5. (1) There is established a County Library Services Development Committee in each county.

(2) The committee shall consist of

- (a) the county executive committee member responsible for library services who shall be the chairperson;
- (b) two persons who shall be distinguished academics appointed by the County Governor; and
- (c) two persons who have demonstrable knowledge in library and information science and at least five years' experience in the provision of library services appointed by the County Governor

(3) In appointing the persons under subsection 2(b) and (c), the Governor shall—

- (a) ensure that the selection process for candidates is competitive;
- (b) ensure that not more than two-thirds of the members are of the same gender; and
- (c) obtain approval from the county assembly.

(4) Persons appointed under subsection 2(b) and (c) shall hold office for a term of three years, renewable for one further term of three years.

(5) The members of the committee shall be paid such allowances as the county executive committee member shall determine in consultation with the Salaries and Remuneration Commission.

6. The Committee shall conduct its meetings in accordance with the procedure set out in the schedule.

Meetings of the Committee.

7. The Committee shall—

Functions of the Committee.

- (a) establish and promote the establishment of libraries in the county;
- (b) develop, equip, manage, and maintain libraries including electronic libraries in the county;
- (c) promote technology in accessing and disseminating information;
- (d) provide information service responsive to the needs of communities;
- (e) plan, co-ordinate and advise the county government on the delivery of library services;
- (f) advise the county government and other public bodies on all matters relating to library, documentation and related services;
- (g) facilitate the documentation of information relating to the county and the provision of related services in the county;
- (h) facilitate the training of librarians within the county on the principles, procedures and techniques of librarianship and such other related

matters as the committee may from time to time decide;

- (i) carry out and encourage research in the development of library and related services in the county;
- (j) conduct campaigns for the eradication of illiteracy in the county;
- (k) stimulate public interest in books and promote culture of reading, writing and publishing in local languages for knowledge, information and enjoyment in the county including facilitating mobile library services;
- (l) encourage and facilitate the use of libraries by school-going children;
- (m) partner with the county executive committee member in charge of education to facilitate the establishment and equipping of libraries in schools, colleges and other institutions;
- (n) design innovative ways to enhance access to library services and information by disadvantaged persons within the society;
- (o) provide professional advice to institutions and promote best practices in managing resource centres and school libraries;
- (p) acquire books produced in and outside Kenya and such other materials and sources of knowledge necessary for a comprehensive county library;
- (q) liaise with national library, other county libraries and other relevant institutions to enhance information and experience sharing;
- (r) publish a county bibliographical and referencing services in the county; and
- (s) perform any other function that may be conferred on it by this Act or any other law.

8. The county executive committee member shall designate such officers within the county executive committee member's department in the county government to serve as the secretariat to the committee.

Secretariat.

9. (1) The office of a member of the committee appointed under section 5 (2) (b) and (c) shall become vacant if the member

- (a) is adjudged bankrupt;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (c) is convicted of an offence involving fraud or dishonesty;
- (d) is absent, without reasonable cause, from three consecutive meetings of the committee;
- (e) resigns in writing, addressed to the county governor;
- (f) is removed from office by the county governor on account of—
 - (i) inability to perform the functions of their office by reason of mental or physical infirmity;
 - (ii) failing to declare their interest in any matter being considered by the committee; or
- (g) dies.

(2) Before the removal of a member under subsection (1)(f), the county governor shall request the committee to give a statement on whether or not the member should be removed from office.

10. All movable and immovable property held or acquired for the purpose of a county library established and maintained by a county shall vest in and be held by the respective county government.

11. Subject to this Act, the committee may

- (a) recognize any library run by a voluntary agency within the county, or any library open for use by the public, as a county library for the purposes of provision of financial assistance to the library; and
- (b) recognize any school library in a county for the purpose of provision of financial assistance to the school library.

Reports by the Committee.

12. (1) The committee shall, not later than three months after the end of each financial year, prepare and submit to the county government and the county assembly, a report on the activities of the committee in the immediate preceding year.

(2) Notwithstanding the provisions of subsection (1), the county government or the county assembly may at any time require a report from the committee on any matter.

13. (1) The county executive committee member in consultation with the committee may make regulations for the better carrying out of this Act.

(2) Without prejudice to the generality of section (1), the county executive committee member may make regulations providing for—

- (a) recognition of a library or association for the purpose of provision of financial assistance; and
- (b) prescribing fees and penalties to be paid by any person borrowing books from a county library.

Quorum
 Voting procedure
 Validity of proceedings
 Minutes
 Committee of the committee
 Power to determine procedure

1. The committee shall meet at least four times in each financial year.
 2. The chairman may at any time convene a special meeting of the committee and shall do so within three days of a written request from a member.
 3. (1) The chairman shall preside at all meetings of the committee.
 (2) At a meeting of the committee at which neither the chairman nor a person so elected shall have all the powers of the chairman with respect to that meeting and the business transacted in the meeting.
 4. The quorum for the conduct of the business of the committee shall be three members.
 5. The decisions of the committee shall be by a majority of the votes, and the chairman of the meeting shall have an original and casting vote.
 6. The validity of any proceedings of the committee shall not be affected by any vacancy among the membership of the committee or by any defect in the appointment of a member.
 7. Minutes of the proceedings at meetings of the committee shall be kept in such a manner as the committee directs.
 8. The committee may establish such sub-committees as may be necessary for the performance of the functions of the committee and may, subject to the provisions of this Act, delegate powers conferred on it to any such committee.
 9. Subject to the provisions of this schedule, the committee shall regulate its own procedure.

SCHEDULE

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CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMITTEE

- | | |
|--|--------------------------------------|
| <p>1. The committee shall meet at least four times in each financial year.</p> | <p>Meetings of the committee.</p> |
| <p>2. The chairperson may at any time convene a special meeting of the committee and shall do so within fifteen days of a written requisition for the meeting signed by at least three members.</p> | <p>Special meetings.</p> |
| <p>3. (1) The chairperson shall preside at all meetings of the committee and in the case of the chairperson's absence, the vice-chairperson shall preside.</p> | <p>Chairperson to preside.</p> |
| <p>(2) At a meeting of the committee at which neither the chairperson nor vice-chairperson is present, the members of the committee present shall elect one of their numbers to preside, and the person so elected shall have all the powers of the chairperson with respect to that meeting and the business transacted in the meeting.</p> | |
| <p>4. The quorum for the conduct of the business of the committee shall be three members.</p> | <p>Quorum.</p> |
| <p>5. The decisions of the committee shall be by a majority of the votes, and the chairperson of the meeting shall have an original and casting vote.</p> | <p>Voting procedure.</p> |
| <p>6. The validity of any proceedings of the committee shall not be affected by any vacancy among the membership of the committee or by any defect in the appointment of a member.</p> | <p>Validity of proceedings.</p> |
| <p>7. Minutes of the proceedings at meetings of the committee shall be kept in such a manner as the committee directs.</p> | <p>Minutes.</p> |
| <p>8. The committee may establish such sub-committees as may be necessary for the performance of the functions of the committee and may, subject to the provisions of this Act, delegate powers conferred on it to any such committee.</p> | <p>Committees of the committee.</p> |
| <p>9. Subject to the provisions of this schedule, the committee shall regulate its own procedure.</p> | <p>Power to determine procedure.</p> |

10. (1) If a member of the committee is directly or indirectly interested in any contract, proposed contract or other matter before the committee and is present at a meeting of the committee at which the contract, proposed contract or other matter is the subject of consideration, the member shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the interest of the member in the matter and shall not take part in the deliberations over, or vote on, the matter.

Disclosure of
interest.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

MEMORANDUM OF OBJECTS AND REASONS

Statement of Objects and Reasons

The principal object of this Bill is to promote the establishment and use of libraries in counties so as facilitate access to information, improve education standards and reduce levels of illiteracy in the counties. By so doing, the Bill gives effect to paragraph 4(f) of Part 2 of the Fourth Schedule to the Constitution.

The Bill provides for the role of counties in provision of library services and also establishes a County Library Services Development Committee in each county to establish and promote the use of libraries in the counties.

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

The Bill delegates legislative powers to the county executive committee member in charge of libraries within the county only for the purpose of giving effect to the provisions of the Act.

The Bill does not limit fundamental rights and freedoms.

Statement of how the Bill concerns county governments

This Bill is expected to ensure that the provision of library services is easily accessible at the county level of government. In addition, the provision of library services is a function that falls within the ambit of the county governments as specified under Part 2 in paragraph 4(f) of the

Fourth Schedule to the Constitution. The Bill is therefore one that concerns county governments in terms of Article 110(1)(a) of the Constitution.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution.

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

Dated the 7th May, 2024.

JOYCE CHEPKOECH KORIR,
Senator.