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REPUBLIC OF KENYA

THE SENATE

THIRTEENTH PARLIAMENT | FIFTH SESSION

STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

REPORT ON KENYA NATIONAL LIBRARY SERVICE BILL, 2023
(NATIONAL ASSEMBLY BILLS NO. 20 OF 2023)

PARLIAMENT
OF KENYA
LIBRARY

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LIST OF ABBREVIATIONS/ACRONYMS

CoG	- Council of Governors
IGRTC	- Intergovernmental Relations Technical Committee
KLA	- Kenya Library Association
KNLS	- Kenya National Library Service
KPA	- Kenya Publishers Association
MICDE	- Ministry of Information, Communications and the Digital Economy
NC-POCI	- Nakuru County Public Opinion Consultative Initiative
NEA	- National Employment Authority
NEMA	- National Environment Management Authority

PRELIMINARIES

Establishment and Mandate of the Committee

The Standing Committee on Labour and Social Welfare is established pursuant to standing order 228 of the Senate Standing Orders. The Committee is mandated to consider all matters related to manpower and human resources planning, pensions, gender, culture, social welfare, youth affairs, the National Youth Service, children's welfare, national heritage, betting, lotteries, sports, public entertainment, public amenities and recreation.

The Committee oversees four ministries as follows –

1. The Ministry of Labour and Social Protection;
 - a) State Department for Labour and Skills Development; and
 - b) State Department for Social Protection and Senior Citizens Affairs.
2. The Ministry of Public Service, Human Capital Development and Special Programs;
 - a) State Department for Public Service and Human Capital Development; and
 - b) State Department for Special Programs.
3. The Ministry of Youth Affairs, Creative Economy and Sports;
 - a) State Department for Youth Affairs and Creative Economy; and
 - b) State Department for Sports.
4. The Ministry of Gender, Culture and Children Services;
 - a) State Department for Gender Affairs and Affirmative Action;
 - b) State Department for Culture, the Arts and Heritage; and
 - c) State Department for Children Services.

The Committee also oversees the following institutions under the State Department for Public Investments and Assets Management in the National Treasury -

- a) The department of pension;
- b) The Retirement Benefits Authority;
- c) The Local Authorities Provident Fund;

- d) Public Service Superannuation Scheme; and
- e) The Civil Servants Accident Claim Fund.

The Committee also oversees the following Commissions and State Corporations –

- a) The Public Service Commission;
- b) The Salaries and Remuneration Commission;
- c) National Gender & Equality Commission;
- d) The Commissioner of Sports & Sports Registrar; and
- e) Permanent Presidential Music Commission.

Membership of the Committee

The Committee membership is as follows–

- | | |
|---|---------------------------|
| 1. Sen. Julius Recha Murgor, CBS, MP | - Chairperson |
| 2. Sen. Crystal Kegehi Asige, MP | - Vice Chairperson |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member |
| 4. Sen. Erick Okong'o Mogeni, SC, CBS, MP | - Member |
| 5. Sen. Alexander Munyi Mundigi, MP | - Member |
| 6. Sen. Joe Nyutu, MP | - Member |
| 7. Sen. Lenku Seki Ole Kanar, MP | - Member |
| 8. Sen. Miraj Abdullahi Abdulrahman, MP | - Member |
| 9. Sen. Beth Syengo MP | - Member |

CHAIRPERSON'S FOREWORD

The Kenya National Library Service Bill, 2023 (National Assembly Bills No. 20 of 2023) was passed by the National Assembly on 1st July 2026 and referred to the Senate for consideration. The Bill seeks to establish the Kenya National Library Service as a body corporate to be managed by a reconstituted Board and to repeal the Kenya National Library Service Board Act (Cap. 225). Pursuant to standing order 148(1) of the Senate Standing Orders, the Bill was referred to the Standing Committee on Labour and Social Welfare to facilitate public participation and consider the views and recommendations of the public when it submits its report to the Senate.

Hon. Speaker,

In compliance with the provisions of Article 118 of the Constitution and Standing Order 140 (5) of the Senate Standing Orders, the Committee proceeded to undertake public participation on the Bill. In this regard, the Committee published an advertisement in the Daily Nation and Standard newspapers on Tuesday, 21st July, 2026, inviting members of the public to submit written memoranda to the Committee on the Bill, and to appear before the Committee during the public hearings on the Bill. Additionally, the Committee sent invitations to key stakeholders inviting them to submit their comments on the Bill.

The Committee held public hearings on Tuesday, 4th August, 2026, during which it received written and oral submissions from nine (9) stakeholders. The stakeholders comprised the Ministry of Gender, Culture and Children Services, the Ministry of Information, Communications and the Digital Economy, the Council of Governors, Nakuru County Public Opinion Consultative Initiative, Ms. Lydia Nyawira Mburia of Daystar University, in her individual capacity, the Kenya Publishers Association, the Office of the Attorney-General, the Ministry of Education and the Mau Mau Children Post Colonial Elites Partners.

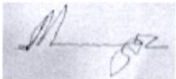
The Committee thereafter undertook a comprehensive consideration of the provisions of the Bill and the submissions received from stakeholders. Following its deliberations, the Committee made various observations and recommendations, as set out in Chapter Three of this Report, and recommends that the Senate proceeds to consider and pass the Kenya National Library Service Bill, 2023 (National Assembly Bill No. 20 of 2023), with the amendments set out therein.

Hon. Speaker,

I take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Bill successful. I also wish to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this assignment.

Hon. Speaker,

It is now my pleasant duty, pursuant to standing order 148 (1) of the Senate Standing Orders, to present the Report of the Standing Committee on Labour and Social Welfare on the Kenya National Library Service Bill, 2023 (National Assembly Bills No. 20 of 2023).

Signed..........Date.....30.09.2026.....

SEN. JULIUS RECHA MURGOR, CBS, MP
CHAIRPERSON, STANDING COMMITTEE ON LABOUR AND SOCIAL
WELFARE

CHAPTER ONE: INTRODUCTION

1.0 BACKGROUND INFORMATION

1. The Kenya National Library Service Bill, 2023 (National Assembly Bills No. 20 of 2023) was passed by the National Assembly on 1st July 2026 and referred to the Senate for consideration. The Bill seeks to establish the Kenya National Library Service as a body corporate to be managed by a reconstituted Board and to repeal the Kenya National Library Service Board Act (Cap. 225). Pursuant to standing order 148(1) of the Senate Standing Orders the Bill was committed to the Standing Committee on Labour and Social Welfare to facilitate public participation and to consider the views and recommendations of the public when it submits its report to the Senate.
2. In line with Article 118 of the Constitution and Standing Orders 145 and 145(5) of the Senate Standing Orders, the Committee invited the public to submit written memoranda on the Bill through advertisements published in the Daily and Standard Newspapers on Tuesday, 21st July, 2026, with a submission deadline of Monday, 3rd August, 2026 at 5:00 p.m. Further, the Committee scheduled a public hearing with targeted stakeholders and members of the public on Tuesday, 4th August, 2026.

1.1 OVERVIEW OF THE BILL

3. The Kenya National Public Service Bill, 2023 intends to—
 - a) preserve national documentary heritage; and
 - b) distinguish the functions of the Kenya National Library Service from the other public libraries.

1.1.1. *Key definitions of terms*

4. Clause 2 of the Bill provides comprehensive definitions of key terms including:

Clause 2 defines, among other terms—

- a) **Board** — the Board of the Kenya National Library Service established under clause 6;

- b) **Book** — any volume, encyclopaedia, magazine, review, *Gazette*, pamphlet, leaflet, sheet of letterpress, sheet of music, annual report, map, plan or chart in digital, audio or print form which is separately published, but excludes a newspaper, visiting or business card, bill-head, letter-head, price list, annual report, trade circular, trade advertisement or other legal, trade or business document;
- c) **Cabinet Secretary** — the Cabinet Secretary responsible for matters relating to libraries;
- d) **Director-General** — the Director-General of the Kenya National Library Service appointed under Clause 15;
- e) **Information resource** — the procedures, services, materials, personnel and technology designed, provided, built, utilised and applied to ensure library users can access information services and facilities;
- f) **National Library Service** — a repository and access point for print, audio, audio-visual, braille and digital materials that serves as the pre-eminent repository of information for the country and the official depository for printed works, a general public access library, and an information and bibliographic centre;
- g) **Newspaper** — any printed matter containing news or intelligence reports of public interest, in print, video or other electronic format, published periodically, but excludes visiting/business cards, bill-heads, letter-heads, price lists and similar trade documents; and
- h) **Public library** — a library established, maintained and managed by a county government, non-governmental organisation, community or private person, open to members of the public.

1.1.2. *How is the Kenya National Library Service established, and what is its legal status*

5. Clause 4 establishes a National Library known as the Kenya National Library Service as a body corporate with perpetual succession and a common seal, capable in its corporate name of suing and being sued; purchasing, acquiring, holding, leasing, charging or disposing of property; borrowing, lending or investing money; entering into contracts; and doing all things a body corporate may lawfully do in furtherance of the Act.

1.1.3. *What is the role of the National Government under the Bill?*

6. Clause 5 assigns the National Government responsibility to—
- a) develop the national library policy and legislation and set standards for the library sector;
 - b) provide capacity building and technical assistance to county governments;
 - c) equip, develop, manage and maintain the national libraries;
 - d) acquire, preserve and maintain a collection of library resources, including books published within and outside Kenya, for a comprehensive national bibliography;
 - e) liaise with other government agencies to ensure publisher compliance with the Books and Newspapers Act (Cap. 111);
 - f) carry out and promote research in the development of libraries and related services;
 - g) promote reading for knowledge, information and enjoyment, and participate in campaigns for the eradication of illiteracy;
 - h) administer international standard numbers for books, serials and music;
 - i) publish the Kenya National Bibliography and the Kenya Periodicals Directory;
 - j) establish a national WebCat to publish catalogues for all libraries;
 - k) provide a national library reference and referral service; and
 - l) perform any other function necessary for the attainment of the objectives of the Act.

1.1.4. *What is the composition of the Board and how are members of the Board appointed?*

7. Clause 6 provides that the Board shall consist of ten members comprising –
- a) a Chairperson appointed by the President;
 - b) the Principal Secretaries (or their designees appointed in writing) responsible for libraries, finance, education, devolution, and information and telecommunications technology;
 - c) two persons nominated by the Council of County Governors;

- d) one person appointed by the Cabinet Secretary; and
 - e) the Director-General as an *ex officio* member.
8. Appointments under subsection 1(a), (g) and (h) are made by name through notice in the Kenya Gazette. The Cabinet Secretary is required to ensure that the constitutional requirements on gender parity, disability, regional representation, marginalised persons and youth are observed in making the appointments. The Board elects a vice-chairperson of the opposite gender to the Chairperson from among its members at its first meeting.

1.1.5. *What qualifications apply to the Chairperson and members?*

9. Clause 7 requires the Chairperson to be a Kenyan citizen holding at least a Bachelor's degree, with at least ten years' experience (five at senior management level), a distinguished career in library and information science, knowledge management, information technology, development studies, management or a related field, and to meet the requirements of Chapter Six of the Constitution. Ordinary members require a Bachelor's degree, at least three years' experience at management level, a distinguished career in their respective field and must also meet the requirements of Chapter Six of the Constitution.

1.1.6. *Under what circumstances is a person disqualified to be a Chairperson or member of the Board and when does a vacancy arise in the Board?*

10. Clause 8 disqualifies a person from appointment as Chairperson or member of the Board if they hold office in the governing body of a political party, are bankrupt, have been convicted of a criminal offence and sentenced to more than six months' imprisonment, have been removed from public office for contravening the Constitution or any other written law, or are a Member of Parliament or of a County Assembly.
11. Clause 10 sets out the grounds on which the office of Chairperson or a member becomes vacant which is by death, resignation by written notice, conviction and sentence to imprisonment exceeding six months without the option of a fine, expiry

of term, absence from three consecutive Board meetings without good cause or removal on grounds of violation of the Constitution or any other written law, gross misconduct or misbehaviour, inability to perform functions due to physical or mental infirmity, incompetence or neglect of duty or bankruptcy.

1.1.7. *What is the term of office and how does the Board conduct its business?*

12. Clause 9 of the Bill sets a three-year term for the Chairperson and members of the Board renewable for one further term. Clauses 12 and 13 allow the Board to establish committees and to delegate its powers or functions to a committee, member or employee and clause 14 provides for remuneration and allowances as the Cabinet Secretary, in consultation with the Salaries and Remuneration Commission, may determine.
13. The First Schedule to the Bill provides for the conduct of business and affairs of the Board.

1.1.8. *Who is responsible for the day-to-day management of the Service?*

14. Clause 15 establishes the office of Director-General, appointed by the Board through a competitive process for a three-year term renewable once, and responsible to the Board for the day-to-day management of the Service's affairs. The Director-General must be a Kenyan citizen holding a master's degree in library and information science or a related field, with at least ten years' professional experience (five at senior management level), and must meet the requirements of Chapter Six of the Constitution. The Director-General sits on the Board as an *ex officio* member and therefore has no right to vote.
15. Clause 16 establishes the office of Corporation Secretary, appointed by the Board, who must be an Advocate of the High Court of not less than five years' standing, hold a certified public secretaries' qualification and meet the requirements of Chapter Six of the Constitution. Clause 17 empowers the Board to appoint such officers and other staff as it considers necessary, on merit, and affording equal opportunity to men and women, youth, persons with disabilities, minorities and marginalised groups.

1.1.9. *What Code of Conduct applies to Board members and staff?*

16. Clause 18 requires members of the Board and employees of the Service to subscribe to the Code of Conduct set out in the Second Schedule to the Bill, covering impartiality and independence, disclosure of conflicts of interest, professionalism, prohibition of improper enrichment, integrity in private affairs, prohibition of sexual harassment, and prohibition of nepotism or favouritism.

1.1.10. *What legal protections apply to Board members, officers and staff?*

17. Clause 19 protects members, officers, staff and agents from personal liability for anything done in good faith in execution of the functions, powers or duties of the Service, with related litigation expenses payable from the Service's funds where the act is found to have been done in good faith. Clause 20 clarifies that this protection does not relieve the Service itself of liability to pay compensation or damages for injury caused by the exercise of its powers, or by the wholly or partially failure of its works.

1.1.11. *What reporting obligations apply to the Board?*

18. Clause 21 requires the Board to submit an annual report to the Cabinet Secretary within three months after the end of each financial year, containing the Service's financial statements, a description of its activities, such other statistical information as the Board considers appropriate, and any other information relating to its functions that the Service considers necessary. The Board must also publish and publicise the report in an accessible manner.

1.1.12. *What are the financial provisions of the Bill?*

19. Clause 22 sets out the sources of the Service's funds: monies allocated by the National Assembly; grants, gifts, donations or other endowments; monies drawn from levies, fees and royalties; monies from profitable ventures and investments; loaned monies; and such other funds as may vest in or accrue to the Service. The Board is not obliged to accept a donation unless it approves the terms and conditions attached to it. Clause 23 permits the Service to invest surplus funds with the approval of the Cabinet Secretary and the Cabinet Secretary responsible for the National Treasury.

1.1.13. What administrative provisions does the Bill make?

20. Part IV requires the Service's operations to conform to the minimum standards in the Third Schedule to the Bill. Clause 27 permits any person or institution to apply for membership in the manner prescribed in regulations, with registration and subscription fees set out in the regulations and a library card issued on registration that remains the Service's property and must be surrendered on cessation of membership. Clause 28 provides for a common seal kept by the Corporation Secretary and authenticated by the Chairperson or another authorised person.
21. Clause 29 requires the Service to maintain records of its documents, registered members and other particulars the Board considers necessary while clause 30 empowers the Service to determine fees for services rendered to clients. Clause 31 prescribes how deeds, contracts and other documents are executed on the Service's behalf.

1.1.14. What is the minimum standards framework under the Third Schedule?

The Third Schedule to the Bill sets out twenty-three minimum standards that the Service must conform to, spanning bibliographic control, cataloguing and classification, policy guidelines, professional association standards, preservation and conservation, ICT integration, information literacy, security, accessibility, staffing, and international resource identification numbers, summarised below.

No.	Standard	Description
1.	National Bibliographic Control procedures	Legal deposits, production of the Kenya National Bibliography (KNB), development of a union catalogue, incorporating Cataloguing in Publication (CIP).
2.	Internationally accepted Resource Description	Use of international cataloguing and classification standards including Resource Description Access (RDA) and MARC formats, among others.
3.	National and public Libraries policy guidelines	Developing a policy framework for national and public libraries, e.g. collection development, disposal, etc.
4.	Kenya Library Association (KLA)	Enforcing best practices in library and information schools, subscription to international professional

No.	Standard	Description
	guidelines	associations, and certification to practice as professionals.
5.	Procedures for preservation and conservation of National heritage	Digitisation, microfilming, archiving, de-acidification.
6.	Guidelines for establishment of libraries	Public, community, special and school libraries.
7.	ISO 9001:2008 Requirements	Quality assurance, complaint mechanisms, service charter.
8.	National Reference Centre control measures	Information resources, human resources and ICT; legal deposits; e-resources; international exchange of publications; UN depository status (World Bank, IMF, ILO); Kenya (publications of Kenyan interest).
9.	Research	Conducting research on emerging issues in libraries and related services; developing a research database (knowledge repository); institutional/national repository.
10.	Information Communication and Technology (ICT) control	Integrating ICT in library services, content management systems (CMS), document management systems (DMS).
11.	Information literacy	User education, information retrieval, finding aids.
12.	Finding aids	Catalogues, OPACs, qualified human resource.
13.	Security	Information materials, staff, equipment, building, content, security policy.
14.	Library building	Amenities including water, washrooms, lighting, exits, signage, design.
15.	Accessibility	Persons with disability (visually impaired, physically challenged).
16.	Location	Proximity to county headquarters, centrality, ease of access.

No.	Standard	Description
17.	Furniture	Type and adequacy.
18.	Reprographic services	Photocopying of reference materials, adherence to copyright law.
19.	NEMA guidelines	Environment, health, safety, risk, noise.
20.	Staffing levels	Professionally qualified staff, support staff.
21.	Co-operation and partnership	Institutional borrowing, international exchanges (information materials and staff), Public-Private Partnerships (PPP).
22.	Advisory services	Consultancy on library services to all parties.
23.	International Resource Identification Numbers	Issuance of ISBN, ISMN, ISSN and bar codes.

1.1.15. What powers are delegated under the Bill?

22. Clause 33 empowers the Cabinet Secretary, in consultation with the Kenya National Library Service to make regulations for the better carrying into effect of the Act, including prescribing forms and fees.

1.1.16. What is the relationship between the Service and county governments?

23. Clause 35 allows the Service to enter into a written agreement with a county government on the management of a public library within that county, complementing the National Government's role under clause 5(b) of providing capacity building and technical assistance to county governments.

1.1.17. What legal remedies and offences does the Bill create?

24. Clause 36 requires a written notice of at least one month to the Director-General, containing the particulars of the claim and intention to sue, before legal proceedings are commenced against the Service. Clause 37 entitles the Service to restitution from a person who steals or intentionally damages its property, in addition to any other penalty.
25. Clause 38(1) creates an offence, whose penalty shall be a fine not exceeding one hundred thousand shillings, imprisonment not exceeding twelve months, or both, for

procuring or attempting to procure a false entry by wilful false declaration, falsely holding oneself out as registered, or stealing and destroying library material.

26. Clause 38(2) creates a further offence whose penalty shall be a fine not exceeding one hundred thousand shillings, imprisonment not exceeding one year, or both, for obstructing or hindering staff without reasonable justification, submitting false or misleading information, or misleading a member or staff acting under the Act.
27. Clause 39 provides a general penalty of a fine not exceeding one hundred thousand shillings, imprisonment not exceeding twelve months, or both, for offences for which no specific penalty is prescribed.

1.1.18. *What transitional arrangements does the Bill make?*

28. Clause 41 provides that, subject to any other written law, all rights, duties, obligations, assets and liabilities of the former Board are automatically and fully transferred to the Service on commencement of the Act. The Chairperson and members serving at the former Board continue in office for the unexpired period of their term; an employee serving at the former Board is, subject to any written law, deemed to be an employee of the Service; and an employee who does not wish to become an employee of the Service must exercise that option within twelve months of the commencement of the Act.

1.2. SITUATIONAL ANALYSIS

29. The current library framework is legally governed by the Kenya National Library Service Board Act (Cap. 225), which was enacted decades before the modern constitutional dispensation. This outdated statutory framework fails to reflect the legal and administrative realities of a devolved system of government.
30. The existing legal setup does not fully give statutory effect to Article 11(2)(a) of the Constitution of Kenya, 2010, which mandates that the State actively promote all forms of national and cultural expression through libraries and information dissemination. Consequently, there is an urgent need to modernize the enabling legislation to align library services with constitutional values.
31. Under Part 2 of the Fourth Schedule to the Constitution (paragraph 4(f)), the library function is fully devolved to County Governments. The current framework has

struggled to resolve the constitutional tension between maintaining a centralized national library service and respecting the counties' mandate to manage public libraries.

32. The current legal definitions fail to clearly distinguish "county public libraries" from "national libraries" or "referral libraries". This lack of legal precision creates operational overlap, jurisdictional disputes, and general uncertainty over which level of government is responsible for establish, funding, and maintaining specific facilities.
33. The current library system remains heavily anchored in traditional, physical library structures (printed books, physical cataloguing, and manual records) rather than modern virtual and digital environments.

1.3 LEGISLATIVE FRAMEWORK ANALYSIS

34. This section looks at how the Bill fits alongside the Constitution and other existing laws.
35. The Bill is anchored in the **Constitution, 2010**, particularly-
 - a) **Article 11(2)(a)**: This article mandates that the State promote all forms of national and cultural expression, including literature, the arts, science, communication, information dissemination, libraries, and other cultural heritage. The proposed Kenya National Library Service Bill, 2023, is explicitly intended to give statutory effect to this article.
 - b) **The Fourth Schedule (Part 2, Paragraph 4(f))**: Under this schedule, the "libraries" function is fully devolved to County Governments. This has created ongoing legal and operational debates regarding the boundaries between the national government and county governments.
 - c) **Article 35 & Access to Information**: Provides for the right to access information. The library framework must align with these requirements to support data-driven service delivery, public transparency, and open educational resources.

- d) **Article 53:** Guarantees children the right to basic education, which connects the library framework to curriculum support and school libraries managed in tandem with basic education institutions.
- e) **Chapter Six (Leadership and Integrity):** Requires that the Chairperson, Board members, and the Director-General of the Service strictly meet the constitutional standards for public integrity.
- f) **Article 94(6):** Governs the delegation of legislative power, defining how the Cabinet Secretary can draft subsidiary regulations to operationalize library laws.

36. Other relevant legislation and policies include –

- a) **The Kenya National Library Service Board Act (Cap. 225):** The legacy statute that has historically governed the national library framework. The 2023 Bill formally repeals Cap. 225 to replace it with a modernized parastatal structure.
- b) **The Books and Newspapers Act (Cap. 111):** Requires publishers to deposit copies of published books and materials for legal preservation, reinforcing national bibliographic control.
- c) **Public Finance Management Act, 2012 (No. 18 of 2012):** Regulates how the Service prepares its annual revenue and expenditure estimates, ensuring alignment with national treasury protocols.
- d) **Public Audit Act, 2015 (No. 34 of 2015):** Mandates that the Service's financial records and accounts be audited and reported on by the Auditor-General.
- e) **Conflict of Interest Act (No. 11 of 2025):** Sets out statutory ethical standards which govern Board members and employees, prevailing over the Service's internal Code of Conduct. It manages and regulates conflicts of interest.
- f) **The Data Protection Act, 2019 (No. 24 of 2019):** Controls how the Service manages its digital records, library cards, personal user data, and repository security access.
- g) **Access to Information Act (Cap. 7M):** Works alongside Article 35 to ensure the public can access information.

- h) **The National Digital Transformation Policy & Agenda:** Driven by the Ministry of Information, Communications and the Digital Economy (MICDE), this policy seeks to position the library service as Kenya's **National Digital Knowledge Repository**. It advocates for the integration of **Electronic Legal Deposit** (for e-books, websites, and digital journals), secure cloud hosting on sovereign government infrastructure ("Cloud First"), and alignment with the Government Enterprise Architecture (GEA), Government Interoperability Framework (GIF), and Digital Public Infrastructure (DPI).
- i) **The Mwongozo Code of Governance for State Corporations:** This code guides the corporate governance structure of parastatals. It informs efforts to keep the Board lean (capping membership to promote efficiency and independence) and regulates the operational frequency of Board committees.

1.4 POLICY ISSUES AND GAPS

- 37. The Bill presents a constitutional mandate conflict. The Council of Governors (COG) has raised a constitutional objection that establishing a national parastatal in the Kenya National Library Service (KNLS) claws back functions devolved to county governments under the Fourth Schedule. Because Part 2, paragraph 4(f) of the Fourth Schedule assigns the libraries function to county governments, the Bill's consolidation of library administration under a national Board creates a risk of challenge on grounds of a reallocation of a devolved function.
- 38. The Bill presents several digital and technological infrastructural gaps. The Ministry of Information, Communications and the Digital Economy (MICDE) has observed that the Bill remains oriented towards traditional print-based library functions and does not adequately position KNLS as a modern digital institution. Although the Third Schedule to the Bill refers to ICT integration as a minimum standard, the Bill does not expressly anchor initiatives such as electronic legal deposit, sovereign cloud hosting or interoperability with the Government Enterprise Architecture in its substantive provisions.

39. The Bill also presents a gap in intellectual property and publisher safeguards. The Kenya Publishers Association (KPA) has warned that the Bill does not expressly state that legal deposit, cataloguing or preservation of works under the Bill does not operate to transfer copyright or other intellectual property rights to the State. A
40. The Bill presents a governance and professional representation gap. The Board as constituted under clause 6 is dominated by Principal Secretaries and other State appointees, with no guaranteed seat for professional librarians through the Kenya Library Association (KLA) or for publishers through the KPA. This exclusion of sectoral expertise from the Board's decision-making is inconsistent with the specialised, professional character of library and information services and risks a governance structure that is administratively heavy but professionally thin. The Bill ought to provide for at least one Board seat nominated by the KLA to ensure professional standards inform the Service's policy and operational decisions.

1.5 COMPARATIVE ANALYSIS

41. The National Government of South Africa structures and governs its library services through a framework that separates and has a highly distributed library network where provincial and municipal authorities share administrative responsibilities. While supported by the National Library of South Africa (NLSA) and funded through national Community Library Conditional Grants, The National Government utilizes conditional grants to fund high-value physical infrastructure projects, such as the newly completed R47 million Eshane Study Library in KwaZulu-Natal. This structure has proven to cause significant disparities between municipalities. Kenya's Bill, which similarly contemplates county-level partnerships under clause 35, should draw a caution from South Africa's experience by anchoring minimum equalisation criteria for such partnerships, so as to avert similar disparities in county-level library infrastructure.
42. The National Library of South Africa (NLSA): Established under the National Library of South Africa Act (Act 92 of 1998). It acts as the official national

depository and bibliographic agency, tasked with collecting, cataloguing, and preserving South Africa's complete documentary heritage. The clear statutory delimitation between the NLSA's national depository role and the work of provincial and municipal library authorities offers a model Kenya could adapt to more precisely define the boundary between KNLS's national functions and county public library functions under the Fourth Schedule.

43. In Rwanda, library and archival frameworks were managed by a statutory body, the Rwanda Archives and Library Services Authority (RALSA), established under Law No. 12/2014. However, under recent public sector reforms, the government merged RALSA with the Institute of National Museums of Rwanda (INMR) and the Rwanda Academy of Language and Culture (RALC) to form a single, consolidated public institution: the Rwanda Cultural Heritage Academy (RCHA).
44. This merged public institution is managed by a Board of Directors under the supervision of the Minister in charge of Culture. Overall executive and policy oversight of the country's library framework is vested in the Ministry in charge of Culture. The ministry provides political accountability, aligns the library sector with national development goals, and supervises the statutory agencies tasked with day-to-day operations. Rwanda's consolidation of previously fragmented cultural and heritage institutions under a single statutory body illustrates an alternative response to the institutional fragmentation risk identified in this Report, and reinforces the case for the Bill to state unambiguously how KNLS relates to other national cultural and heritage bodies.
45. Tanzania structures its library services through a highly centralized parastatal model governed by the Tanzania Library Services Board (TLSB) under the Ministry of Education, Science and Technology. Established by an Act of Parliament in 1975, the TLSB coordinates all mainland public libraries, metadata standards, professional training, and indigenous literature promotion, while recent digital initiatives are rapidly modernizing these public systems. Tanzania's experience demonstrates that a centralized parastatal structure of the kind proposed for KNLS can coexist with digital modernization, provided the enabling statute is periodically reviewed; the

Committee accordingly recommends that the Bill provide for periodic review of the Third Schedule minimum standards to keep pace with technological change.

CHAPTER TWO: OVERVIEW OF PUBLIC PARTICIPATION ON THE BILL

2.0 COMMITTEE UNDERTAKINGS

46. Pursuant to the provisions of Article 118 of the Constitution and Standing Order 140 (5) of the Senate Standing Orders, the Committee proceeded to undertake public participation on the Bill. The Committee held a total of four (4) meetings on the Bill and met with various stakeholders and considered their submissions. The Minutes of the meeting are annexed to this Report as Appendix 2.
47. The Committee invited the public to submit written memoranda on the Bill through advertisements published in The Star and The Standard newspapers on Tuesday, 17th February, 2026, with a submission deadline of Tuesday, 3rd March, 2026. The advertisement was also posted on the Parliament website and social media platforms. Following the call for submissions, the Committee received written memoranda from stakeholders and subsequently held a public hearing session with targeted stakeholders and members of the public on Tuesday, 4th August 2026. A copy of the advertisement is annexed as Appendix 4.
48. Copies of the written submissions are attached to this Report as Appendix 6. and a matrix analysing the stakeholder submissions is annexed as Appendix 5.

2.1 EMERGING THEMES FROM STAKEHOLDER SUBMISSIONS

49. The following are some of the key issues arising from the public and stakeholder submissions on the Kenya National Library Services Bill, 2023 (National Assembly Bill No. 20 of 2023).

2.1.1 Definitions and Interpretations

50. The Council of Governors (COG) recommended complete deletion of the definitions of "Board", "Director-General", and "member" (in relation to the Board),

arguing that establishing a national-level parastatal structure to run library services is unconstitutional.

51. The COG proposed introducing a new definition for "private library" (covering facilities managed by NGOs, communities, or private individuals) and strictly limiting the definition of "public library" to those established, maintained, and managed exclusively by County.
52. The Solicitor-General submission focused on resolving legal ambiguities that could cause jurisdictional conflicts between the national government and counties. For instance, they advised amending the definition of "public library" to expressly recognize public libraries established and managed by county governments.
53. KPA urged that the definition clause include an express copyright safeguard. They proposed stating explicitly that legal deposit, custody, physical ownership, cataloguing, or preservation does not transfer copyright or any other intellectual property rights to the State. They also requested an explicit qualification that no digital-deposit obligation arises unless it is expressly mandated by written law

2.1.2 Scope and application of the Bill

54. The COG submitted that the entire Bill as drafted is unconstitutional as the libraries are fully devolved under Part 2 of the Fourth Schedule (paragraph 4(f)) of the Constitution. The COG asserts that the National Government's role must be strictly limited to national policy and standard setting, which should be managed by a Ministerial State Department rather than a parastatal.
55. COG proposes completely deleting the provision establishing the Kenya National Library Service as a body corporate and introducing new clauses that explicitly list the separate obligations of the National Government (policy, national WebCat, bibliography compilation) and County Governments (funding, managing, maintaining, and licensing county and private public libraries) to match the delineation of functions gazetted under Gazette Notice No. 16472/16482 of December 2024.
56. The Ministry of Gender, Culture and Children Services supports the Bill's scope exactly as drafted. They maintain that establishing a national Service to handle the

country's collective memory, national bibliography, and international identifiers is constitutional, supports devolution, and properly aligns with Gazette Notice No. 16482 of December, 2024.

57. The Office of the Attorney-General recommended redrafting Clause 3 (Purpose of the Act) to expand its scope, making it clear that the Act governs both the national-level KNLS and the coordination and support of public and regional "referral libraries".
58. The Ministry of Information, Communications and the Digital Economy (MICDE) submitted that the Bill's scope is too "traditional" and heavily focused on physical library setups.
59. To support Kenya's national digital economy policies, MICDE submitted that the Bill's scope must be expanded to include:
 - a) National Digital Knowledge Repository: Recognizing the Service as the strategic, central national repository for digital access, government knowledge, open educational resources, research repositories, and AI-ready datasets
 - b) Electronic Legal Deposits: Introducing mandatory provisions requiring publishers to deposit digital-born works, such as e-books, digital journals, online newspapers, and multimedia.
 - c) Digital Preservation Protocols: Mandating the active migration of obsolete formats, the preservation of websites, social media archives, and digital public record.
 - d) Interoperability and Infrastructure: Integrating the library service directly with Digital Public Infrastructure (DPI), eCitizen payment pathways, and National Identity systems, while ensuring secure, sovereign cloud hosting ("Cloud First") and WCAG-compliant web accessibility standards.
60. The Kenya Publishers Association (KPA) submitted in support of modernizing the library framework but urged that the Bill's scope must contain strict statutory safeguards to prevent overreach into intellectual property.
61. The Ministry of Education (State Department for Basic Education) highlighted the need to align the library framework's scope with the national school system. They

urged that the Bill's purpose explicitly support curriculum integration, digital literacy, and basic education learners and teachers.

2.1.3 Governance, Board Composition, and Professional Sector Representation

62. KPA submitted that the proposed ten-member Board is heavily dominated by state bureaucrats and county nominees, with zero guaranteed representation for key library and publishing practitioners.
63. The Nakuru County Public Opinion Consultative Initiative (NC-POCI) proposes capping the Board size at nine members to remain lean and consistent with the Mwongozo Code of Governance for State Corporations and suggests that the Vice-Chairperson be elected from non-government officials to promote independent leadership.
64. Ms. Lydia Nyawira Mburia submitted that the Bill must require the Service to conform strictly to International Financial Reporting Standards (IFRS) and International Accounting Standards Board (IASB) regulations to enhance financial transparency, auditing, and corporate accountability.

2.1.4 Human Resources and Transitional Protections

65. KPA submits that while Clause 41 deems former employees to be employees of the new Service and provides a twelve-month opt-out window, the Bill is completely silent on the exact procedures for exercising this option, the portability of accrued pension rights, and the continuity of terms of service during transition.
66. Stakeholders urge the Board to maintain dedicated, professionally qualified staffing in specialized areas such as library science, publishing metadata, copyright licensing, cybersecurity, and data protection, alongside continuing professional development.

CHAPTER THREE: COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

3.0 COMMITTEE OBSERVATIONS ON THE BILL

67. Upon review of the Kenya National Library Service Bill, 2023 (National Assembly Bills No. 20 of 2023) and consideration of the stakeholder submissions received, the Committee made the following observations-

- a) That remuneration and allowances should be administered in accordance with the constitutional mandate of the Salaries and Remuneration Commission, applicable public finance requirements and appropriate accountability mechanisms, with the phrase "*in consultation with*" sufficiently recognising the Commission's role.
- b) That the qualifications for appointment of the Director-General should retain sufficient flexibility to accommodate relevant academic disciplines while maintaining the requisite professional competence, with additional competencies assessed through a competitive recruitment process rather than being exhaustively prescribed in the Bill.
- c) That the qualifications provided for the Director-General are sufficient to facilitate the appointment of a competent holder, while the appointment of the Corporation Secretary should be undertaken within the established corporate governance framework and in accordance with the State Corporations Act.
- d) That the Corporation Secretary's role should remain focused on providing governance and legal compliance support to KNLS within the applicable corporate governance framework.
- e) That recruitment within KNLS should uphold merit, fairness, transparency and equal opportunity, including for youth, women and persons with disabilities.
- f) That the determination of staffing levels and specialised competencies should be undertaken through the approved organisational structure and human resource establishment, rather than being overly prescribed in the primary legislation.

- g) That confidentiality and integrity of KNLS officers are sufficiently regulated under the Official Secrets Act and Chapter Six of the Constitution and need not be unnecessarily replicated in the Bill.
- h) That detailed requirements relating to confidentiality, cybersecurity, intellectual property and data protection are more appropriately addressed through applicable legislation, employment instruments, internal policies and other relevant regulatory frameworks.
- i) That the Bill should clearly delineate the respective roles and responsibilities of the National and County Governments in matters relating to libraries, particularly in light of the constitutional division of functions and the need to avoid overlap or ambiguity in the provision and management of library services.
- j) That the legislative framework should maintain a clear distinction between the national functions of KNLS and the devolved functions of county governments, while providing an appropriate framework for cooperation, capacity building and technical assistance between the two levels of government.
- k) That matters that are administrative or operational in nature should, where appropriate, be addressed through subsidiary legislation, regulations, policies or institutional instruments to preserve flexibility and avoid unnecessary detail in the primary legislation.

3.1 COMMITTEE RECOMMENDATIONS

68. Arising from the above observations, the Committee recommends that the Senate passes the Kenya National Library Service Bill, 2023 (National Assembly Bills No. 20 of 2023) with the following amendments, THAT-

1. Clause 2

THAT clause 2 of the Bill be amended in the definition of the word “book” by deleting the words “annual report,” appearing immediately after the words “price list” in the proviso excluding certain items from the definition.

2. Clause 5

THAT clause 5 of the Bill be amended by—

(i) inserting the following new paragraph immediately after paragraph (k)—

(l) provide lending, inter-library loans, outreach, specialised and homebound services; and

(ii) re-lettering the existing paragraph (l) as paragraph (m).

3. New clause 5a

THAT the Bill be amended by inserting the following new clause immediately after clause 5—

Role of the County Government.

5A. A county government shall—

(a) implement the national library policy, legislation, standards and norms;

(b) identify needs for training and development for capacity building;

(c) equip, develop, manage and maintain public libraries and provide information services responsive to the needs of the communities;

(d) establish a centre for books to promote a culture of reading, writing and publishing in local languages, and provide information, advice and advocacy, book development and access to books through the collection, development and distribution of information materials;

(e) provide communities with information materials, programmes and services, including by stocking approved learning resources for formal and informal education;

- (f) establish a local collection section in each library holding the respective community's resources, history, customs and traditions to promote the culture of indigenous knowledge and languages;
- (g) carry out sensitisation in the county to promote learning;
- (h) provide a conducive learning environment and stimulate and promote public interest in reading books and multimedia for information, knowledge and enjoyment;
- (i) promote the use of information, communication and technology in accessing and disseminating information;
- (j) provide advisory, reference and referral library services within the county; and
- (k) liaise with the National Government, other county governments and relevant institutions to enhance information sharing.

3. Clause 6

THAT clause 6 of the Bill be amended in subsection (1) by inserting the words “, the Accounting Officer of the Kenya National Library Service” immediately after the words “Chief Executive Officer” appearing in paragraph (i).

4. Clause 15

THAT clause 15 of the Bill be amended in subsection (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

- (b) holds a minimum of a degree and a master's degree in library and information science, knowledge management, information technology, development studies, management or any related field from a university recognized in Kenya;

5. Clause 17

THAT clause 17 of the Bill be amended in subsection (2) by inserting the following new paragraph immediately after paragraph (b)—

- (c) ensure that the principles set out in paragraphs (a) and (b) are applied uniformly across all libraries and branches of the Kenya National Library Service.

6. New clause 32a

THAT the Bill be amended by inserting the following new clause immediately after clause 32—

Dispute resolution.

32A. (1) A person aggrieved by a decision of the Kenya National Library Service relating to—

- (a) the refusal, suspension or withdrawal of an international standard identifier;
- (b) the imposition of a fee or charge;
- (c) an application for membership;
- (d) a dispute concerning metadata; or
- (e) access to, or the alleged misuse of, deposited library material,

may, within thirty days of being notified of the decision, apply to the Board in writing for a review of the decision.

(2) The Board shall consider an application made under subsection (1) and communicate its decision, together with the reasons therefor, within thirty days of receipt of the application.

(3) Nothing in this section shall be construed to limit the right of a person to seek redress before a court of law or other competent forum.

7. Clause 33

THAT clause 33 of the Bill be amended by inserting the following new subsection immediately after subsection (1)—

(1A) The Cabinet Secretary shall make the regulations under subsection (1) within twelve months of the commencement of this Act.

8. Clause 34

THAT clause 34 of the Bill be amended—

- (a) by numbering the existing provision as subsection (1); and
- (b) by inserting the following new subsection immediately after subsection (1)—
- (2) The independence of the Kenya National Library Service under subsection (1) includes financial, administrative and operational independence in the performance of its functions.

9. Clause 38

THAT clause 38 of the Bill be amended in subsection (1) by deleting the words “steals and destroys” appearing in paragraph (c) and substituting therefor the words “steals or destroys”.

10. Clause 39

THAT clause 39 of the Bill be amended by deleting the word “shilling” and substituting therefor the word “shillings”.

11. First schedule

THAT the First Schedule to the Bill be amended in paragraph 4 by deleting the words “one of their member” appearing in subparagraph (3) and substituting therefor the words “one of their members”, and by inserting a full stop immediately after the word “thereat” appearing in that subparagraph.

12. Second schedule

THAT the Second Schedule to the Bill be amended in paragraph 8 by deleting the words “Public Officers Ethics Act” wherever they appear and substituting therefor the words “Conflict of Interest Act”, and by deleting the reference “No. 4 of 2003” and substituting therefor the reference “No. 11 of 2025”.

LIST OF APPENDICES

- Appendix 1: Proposed Committee Stage Amendments on the Kenya National Library Service Bill, 2023 (National Assembly Bills No. 20 of 2023)
- Appendix 2: Minutes of the Committee sittings
- Appendix 3: Copy of the Kenya National Library Service Bill, 2023 (National Assembly Bills No. 20 of 2023)
- Appendix 4: Advertisement as published in the Daily Nation and Standard Newspapers
- Appendix 5: Public Participation Matrix
- Appendix 6: Copies of the Stakeholders' Submissions