

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2023

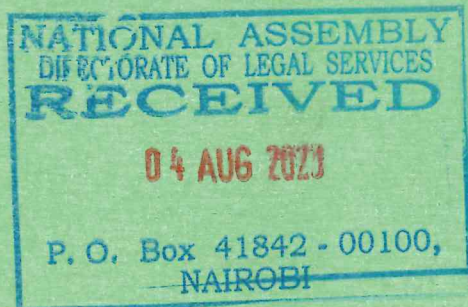
NAIROBI, 26th July, 2023

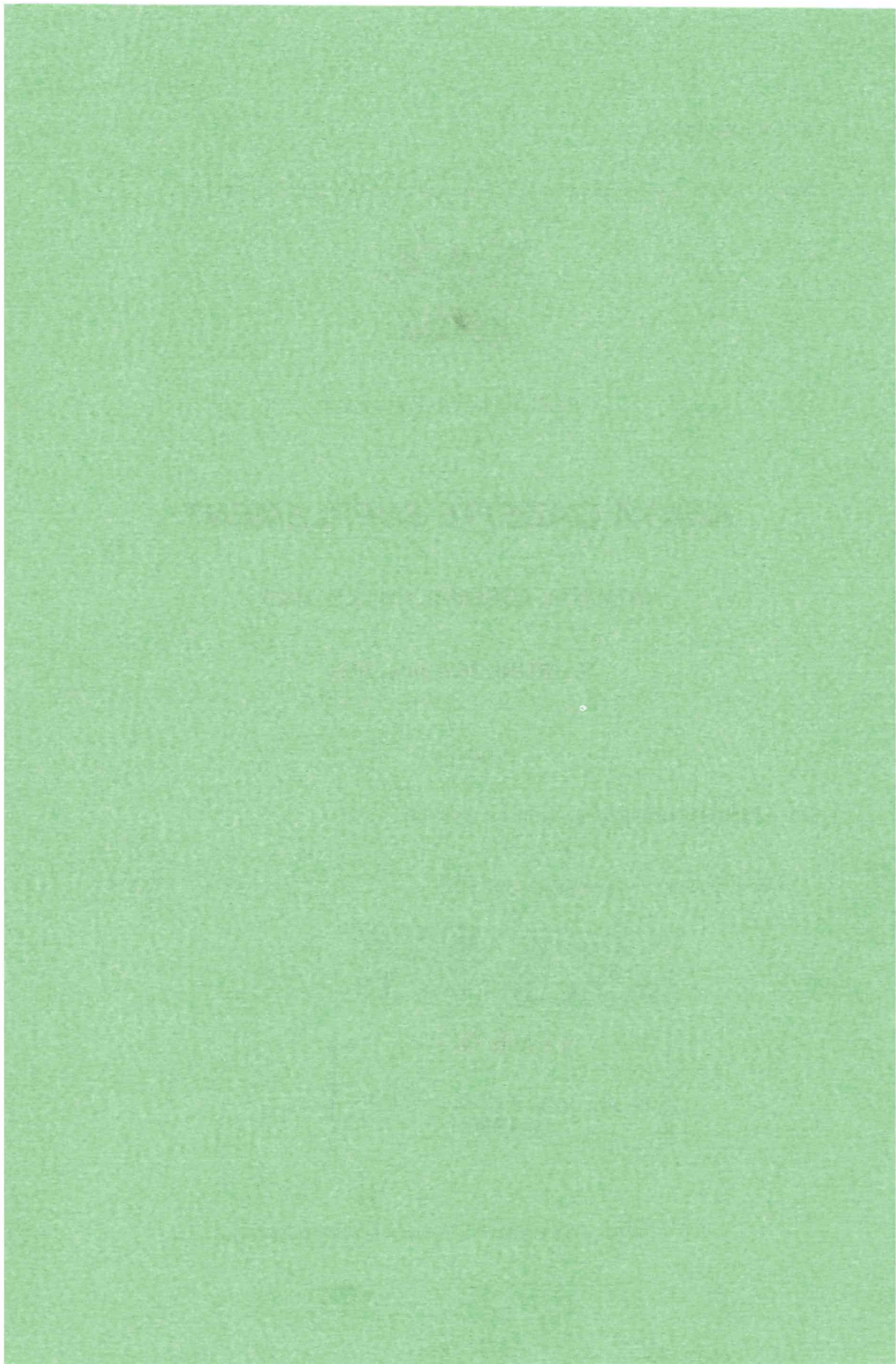
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THE UNIVERSITIES (AMENDMENT) BILL, 2023

A Bill for

AN ACT of Parliament to amend the Universities Act

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Universities (Amendment) Act, 2023.

Short title.

2. Section 55 of the Universities Act, 2012 in this Act referred to as the “principal Act”, is amended by deleting subsection (3) and substituting therefor the following new subsection—

Amendment of s.
55 of No. 42 of
2012.

“(3) The Service shall be governed by the Placement Board which shall consist of eleven members appointed by the Cabinet Secretary as follows—

- (a) a chairperson;
- (b) the Secretary of the Commission;
- (c) the chief executive of the Higher Education Loans Board;
- (d) the chief executive of the TVET Funding Board;
- (e) the chief executive of the TVETA;
- (f) two Vice-Chancellors representing Public Universities;
- (g) two representatives of the Kenya Association of Technical Institutions;
- (h) the Principal Secretary in the Ministry responsible for higher education; and
- (i) the Principal Secretary in the Ministry responsible for finance.”

3. Section 56 (1) of the principal Act is amended in paragraph (a) by inserting the word “public” immediately after the words “government sponsored students to”.

Amendment of s.
56 of No. 42 of
2012.

4. (1) The provisions of this Act shall come into force six months after its commencement.

Transition.

(2) The Kenya Universities and Colleges Central Placement Service shall, within thirty days of the commencement of this Act, publish and publicize the changes in placement of government sponsored students as established by this Act.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons for the Bill

The principal object of this Bill is to provide a framework on the exclusive placement of government sponsored students in public universities. Further, it seeks to remove private universities board representation in the Board of management of Kenya Universities and Colleges Central Placement Service (KUCCPS) to safeguard the Universities Fund in line with the constitutional principles of public finance.

Clause 2 of the Bill proposes amendments to section 55(3). The provision removes the two Vice Chancellors representing private universities membership in the board of the Kenya Universities and Colleges Central Placement Service.

Clause 3 of the Bill proposes amendments to section 56 (1) (a) by providing that the functions of Kenya Universities and Colleges Central Placement Service is the co-ordination and placement of government sponsored students to public universities and colleges.

Clause 4 requires the Kenya Universities and Colleges Central Placement Service to publish and publicize the proposed amendments within thirty days, highlighting the new changes in placement of government sponsored students.

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

This Bill does not delegate legislative power or limit any fundamental rights or freedoms.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall not occasion additional expenditure of public funds.

Indication of whether the Bill concerns Counties

This Bill is not a Bill concerning County Governments.

Dated the 20th June, 2023.

WANAMI WAMBOKA,
Chairperson,
Public Investments Committee on Governance and Education.

Section 55 of the Universities Act 2012 that is proposed to be amended—

55. Establishment of Kenya Universities and Colleges Central Placement Service

(1) There shall be a Service to be known as the Kenya Universities and Colleges Central Placement Service.

(2) The Service shall be a body corporate with perpetual succession and a common seal and capable, in its corporate name, of—

- (a) suing and being sued;
- (b) purchasing, disposing and disposing of movable and immovable property; and
- (c) doing all such other things or acts as may be done by a body corporate.

(3) The Service shall be governed by the Placement Board which shall consist of thirteen members appointed by the Cabinet Secretary as follows—

- (a) a chairperson;
- (b) the Secretary of the Commission;
- (c) the chief executive of the Higher Education Loans Board;
- (d) the chief executive of the TVET Funding Board;
- (e) the chief executive of the TVETA;
- (f) two Vice-Chancellors representing Public Universities;
- (g) two Vice-Chancellors representing Private Universities;
- (h) two representatives of the Kenya Association of Technical Institutions;
- (i) the Principal Secretary in the Ministry responsible for higher education; and
- (j) the Principal Secretary in the Ministry responsible for finance.

(4) The Service shall establish a Secretariat in such manner as it may deem appropriate, which shall be at such place as the Service shall determine.

(5) The Placement Board shall in the performance of its functions under this Act uphold equity and balanced access to University and College education and develop suitable criteria to promote affirmative action, and other strategies as may be approved the by Government.

Section 56 of the Universities Act 2012 that is proposed to be amended—

56. Functions of Placement Board

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

- (a) co-ordinate the placement of the government sponsored students to universities and colleges;
- (b) disseminate information on available programmes, their costs, and the areas of study prioritized by the Government;
- (c) collect and retain data relating to university and college placement;
- (d) advise the Government on matters relating to university and college student placement;
- (e) develop career guidance programmes for the benefit of students; and
- (f) perform any other function assigned to it under this Act.

(2) The Placement Board shall in the performance of its functions promote equity and access to university and college education, by among other things, developing criteria for affirmative action for the marginalized, the minorities and persons with disabilities.

(3) The placement Board shall establish criteria to enable students access the courses for which they applied taking into account the students' qualifications and listed priorities.

