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SNA
13/11/24

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – THIRD SESSION – 2024

DEPARTMENTAL COMMITTEE ON EDUCATION

REPORT ON

THE UNIVERSITIES (AMENDMENT) BILL, 2024

(National Assembly Bill No. 16 of 2024)

CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 13 NOV 2024	DAY: WED
TABLED BY:	MAJORITY PARTY WHIP HON. NAOMI WARD MP
CLERK-AT THE-TABLE:	MS. MERCI CHOMO

NAIROBI

NOVEMBER 2024

NATIONAL ASSEMBLY RECEIVED
13 NOV 2024
SPEAKER'S OFFICE P. O. Box 41842, NAIROBI.

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LIST OF ABBREVIATIONS AND ACRONYMS

ANC	-	Amani National Congress
DAP-K	-	Democratic Action Party Kenya
IND	-	Independent
JP	-	Jubilee Party
ODM	-	Orange Democratic Movement

ANNEXURES

1. Report adoption Schedule
2. Minutes
3. Copy of the newspaper advertisement on public participation
4. Letter inviting stakeholders for meetings with the Committee
5. Stakeholder submissions

CHAIRPERSON'S FOREWORD

The Universities (Amendment) Bill, 2024 (National Assembly Bills No.16 of 2024) sponsored by Hon. Owen Baya, M.P was read a first time on Thursday 2nd May, 2024 and committed to the Departmental Committee on Education for consideration and reporting to the House, pursuant to Standing Order 127(1).

The object of the Bill is to amend the Universities Act, CAP 210 to provide for the President to appoint Chancellors of Public Universities devoid of the current lengthy procedures set in the Act.

Pursuant to Article 118(1) (b) of the Constitution and Standing Orders 127(3), adverts for request for submission were placed in the newspapers on 16th May, 2024 inviting interested members of the public to submit any representations they may have on the Bill. The Committee received representations from Ministry of Education and the Policy and Governance Institute. All the submissions were considered by the Committee.

Further, in considering the Bill the Committee held a total of two meetings to receive and consider submissions.

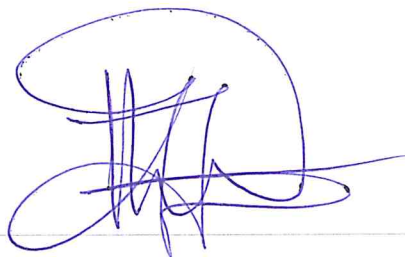
The Committee having considered the Bill clause by clause and taking into consideration views and recommendations of the stakeholders pursuant to Standing Order 127(3A) made observations and recommendations contained in section 4.0 and 5.0 of this Report.

Acknowledgement

The Committee is grateful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings.

On behalf of the Committee, and pursuant to Standing Order 127(4), it is my pleasant duty to table the Report of the Departmental Committee on Education on its consideration of the Universities (Amendment) Bill, 2024 (National Assembly Bill No. 16) sponsored by the Hon. Owen Baya, M.P.

HON. JULIUS MELLY, CBS, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION



PART I

1.0 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Education was constituted pursuant to the provisions of Standing Order No. 216(1) of the National Assembly Standing Orders. Pursuant to the Standing Order 216 (5) read together with the Second Schedule to the Standing Orders, the functions of the Committee are to: -
 - (i) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the Ministry of Education;*
 - (ii) *study the programme and policy objectives of Ministry and the Departments of the Ministry, and the effectiveness of the implementation;*
 - (iii) *study and review all legislation referred to it;*
 - (iv) *study, assess and analyze the relative success of the relevant Ministry as measured by the results obtained as compared with their stated objectives and,*
 - (v) *investigate and inquire into all matters relating to the as may be necessary, and as may be referred to the Committee by the House;*
 - (vi) *to vet and report on all appointments where the Constitution or any law requires the National Assembly and by extension, the Committee to approve;*
 - (vii) *make reports and recommendations relating to the functions of the relevant Ministry to the House as often as possible, including recommendation of proposed legislation;*
 - (viii) *make recommendations to the House as often as possible, including recommendation of proposes legislation;*
 - (ix) *consider reports of the relevant commissions and independent offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - (x) *examine any questions raised by Members on a matter within the mandate of the Committee.*

1.2 Subjects

2. The Committee, according to the Second Schedule of the Standing Orders, examines the following subjects:
 - i) Education;
 - ii) Training; and
 - iii) Research.
3. The Committee oversees the following government entities: -
 - (a) Ministry of Education comprising the following State Departments:
 - (i) State Department for Basic Education
 - (ii) State Department for Higher Education and Research
 - (iii) State Department for Technical, Vocational Education and Training
 - (b) The Teachers Service Commission.

1.3 Committee Membership

4. The Committee comprises of the following Members: -

1. Hon. Julius Kibiwott Melly, CBS, MP

Chairperson
Tinderet Constituency
UDA

2. Hon. Moses Malulu Injendi, MP

Vice Chairperson
Malava Constituency
ANC

3.Hon. Dr. Christine Ombaka, MP

Siaya County
ODM

10.Hon Julius Taitumu M'Anaiba, MP

Igembe North Constituency
UDA

4.Hon. Eve Akinyi Obara, MP

Kabondo Kasipul Constituency
ODM

11.Hon. Nabii Nabwera Daraja, MP

Lugari Constituency
ODM

5.Hon. Jerusha Mongina Momanyi, MP

Nyamira County
JP

12.Hon. Peter Ochieng Orero, MP

Kibra Constituency
ODM

6.Hon. Abdul Ebrahim Haro, MP

Mandera South Constituency
UDA

13.Hon. (Prof.) Phylis Jepkemoi Bartoo

Moiben Constituency
UDA

7.Hon. Anne Muratha, MP

Kiambu County
UDA

14.Hon. Rebecca Noonaishi Tonkei, MP

Narok County
UDA

8.Hon. Clive Gisairo, MP

Kitutu Masaba, Constituency
ODM

15. Hon. Timothy Toroitich, MP

Marakwet West Constituency,
IND

9.Hon. Dick Oyugi Maungu, MP

Luanda Constituency
DAP-K

1.4 Committee Secretariat

5. The Committee secretariat comprise of: -

Mr. Mohamed Boru
First Clerk Assistant

Mr. Clive Onyancha
Clerk Assistant II

Mr. Eric Kanyi
Fiscal Analyst II

Ms. Fiona Wanjiru
Legal Counsel

Dr. Mburu Maina
Research Officer III

Mr. Jared Onyancha
Public Relations Officer III

Mr. Richard Sang
Serjeant-At-Arms

Mr. Nimrod Ochieng'
Audio Recording Officer

Ms Pauline Njuguna
Hansard Officer II

PART II

2.0 BACKGROUND

2.1 Introduction

6. The Bill seeks to streamline the process of appointing Chancellors to public universities in Kenya. Currently, the procedure for selecting a Chancellor involves multiple steps, including the submission of candidates to the Public Service Commission, shortlisting, and ranking before forwarding the names to the President for final selection.
7. This lengthy process, as outlined in the Second Schedule of the Universities Act, has been seen as a barrier, particularly for eminent personalities who are often considered for the position but may be deterred by the time-consuming procedure.
8. The Bill proposes amendments to expedite this process by allowing the Senate of a public university to directly forward three names of suitable candidates to the President for appointment within a specified timeframe.
9. The amendment also introduces a requirement to ensure gender balance in the selection process, reflecting a commitment to promoting inclusivity. This change aims to attract high-profile candidates who may be reluctant to undergo the prolonged procedure, thereby enhancing the efficiency of leadership appointments in public universities.

2.2 Memorandum of Objects and Reasons for the Bill

10. The principal object of the Bill is to amend the Universities Act, CAP 210 to provide for the President to appoint Chancellors of Public Universities devoid of the current lengthy procedures set in the Act.
11. **Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**
8. The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

9. The Bill does not affect the functions of the county governments in terms of Article 109 (5) of the Constitution as it does not contain provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.
10. The Universities and other institutions of higher learning are functions of the national government as provided in Part 1 of the Fourth Schedule to the Constitution.

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

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

PART III

3.0 CONSIDERATION OF THE BILL BY THE COMMITTEE

3.1 Committal of the Bill

12. The Universities (Amendment) Bill, 2024 (National Assembly Bill No. 16) sponsored by the Hon. Owen Baya, MP was read a first time on 2nd May, 2024 and committed to the Departmental Committee on Education for consideration and reporting to the House, pursuant to Standing Order 127(1).

3.2 Public Participation on the Bill

13. Pursuant to Article 118(1) (b) of the Constitution and Standing Orders 127(3), adverts for request for submission were placed in the newspapers on 16th May, 2024 inviting interested members of the public to submit any representations they may have on the Bill.

14. The Committee received representations from the Ministry of Education and Policy and Governance Institute which were considered by the Committee.

15. In considering the Bill the Committee held a total of two (2) meetings to receive and consider submissions from the stakeholders.

3.3 Meeting with the Sponsor of the Bill

16. Hon. Owen Baya, M.P, the sponsor of the Universities (Amendment) Bill, 2024 appeared before the Committee on 22nd October, 2024 and submitted as follows:

17. The principal object of the Bill is to amend the Universities Act, CAP 210 to provide for the President to appoint Chancellors of Public Universities devoid of the current lengthy procedures set in the Act.

18. The Bill provides a ninety-day timeline for the filling of a vacancy in the office of the Chancellor.

19. The Bill also seeks for the removal of Public Service Commission in the appointment process of Chancellors and provides for forwarding of names by the Senate to the president.

20. Up to twenty six public universities currently do not have Chancellors, a situation that can be partly attributed to the protracted process of appointment.

21. The amendment is in line with the recommendations of the Presidential Working Party on Education Reforms which called for the removal of the Public Service Commission in the process of appointing University chancellors.

PART IV

4.0 COMMITTEE OBSERVATIONS

23. Upon reviewing the Bill and the submission received, the Committee made the following observations:

- i. The Bill provides for definitive timelines and a structured process that allows for smooth transition in leadership of Universities. Public Universities have found it difficult to attract suitable candidates for the position of Chancellor due to the protracted recruitment process in place.
- ii. The proposed six-month timeline by the Ministry of Education provides adequate time for the appointment of the Chancellors of Universities.
- iii. The proposal to change the procedure of appointment and removal of the role of the Public Service Commission in the appointment of Chancellors would streamline the process and attract suitable candidates. Chancellors of Universities do not undertake day-to-day activities of public service to necessitate inclusion of the Public Service Commission in the recruitment process.

PART V

5.0 COMMITTEE RECOMMENDATION

The Committee, having considered the Universities (Amendment) Bill, 2024 (National Assembly Bills No.16) and the submissions from stakeholders and the sponsor of the Bill, recommends that the House approves the Bill with amendments contained in the Schedule of Amendments forming part six.

PART VI

6.0 SCHEDULE OF AMENDMENTS

CLAUSE 2

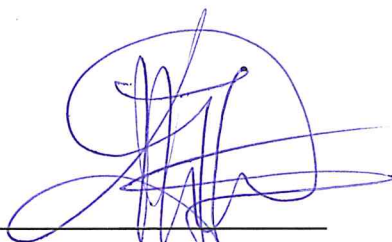
THAT, Clause 2 of the Bill is amended by deleting the proposed new paragraph and substituting therefor the following paragraph—

Six months before the expiry of the term of a serving Chancellor of a public university, the Chancellor of the University shall notify the Senate of the upcoming vacancy. 1A. The Senate of that university shall, in consultation with key stakeholders, identify suitable persons for appointment.

Justification

The amendment aims to establish reasonable timelines to prevent undue delays in filling vacancies within the Office of the Chancellor.


SIGNED _____



DATE

12/11/2024

**HON. JULIUS MELLY, CBS, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION**

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TABLED BY:	MAJORITY PARTY WHIP HON. NAOMI WAGA MP		
CLERK-AT THE TABLE:	MS. MERCI CHUMO		

ANNEX 1:

REPORT ADOPTION SCHEDULE



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
13TH PARLIAMENT – THIRD SESSION – 2024
DEPARTMENTAL COMMITTEE ON EDUCATION

ADOPTION SCHEDULE

AGENDA: REPORT ON THE UNIVERSITIES (AMENDMENT)
...B.L.A., 2024 BY HON. DWEN BAYA, M.P.

NO.	NAME	SIGNATURE
1.	Hon. Julius Melly, MP Chairperson	
2.	Hon. Malulu Injendi, MP Chairperson	-Vice
3.	Hon. Dr. Christine Oduor Ombaka, MP Member	
4.	Hon. Eve Obara, MP Member	
5.	Hon. Jerusha Momanyi, MP Member	-
6.	Hon. Abdul Haro, MP Member	
7.	Hon. Anne Muratha, MP Member	-
8.	Hon. Clive Gisairo, MP member	
9.	Hon. Dick Maungu MP Member	-
10.	Hon. Julius Taitumu M'Anaiba, MP Member	-
11.	Hon. Nabii Daraja, MP Member	
12.	Hon Peter Orero, MP Member	-
13.	Hon. (Prof.) Phylis Bartoo, MP Member	
14.	Hon. Rebecca Tonkei, MP Member	
15.	Hon. Timothy Toroitich, MP Member	

