



REPUBLIC OF KENYA

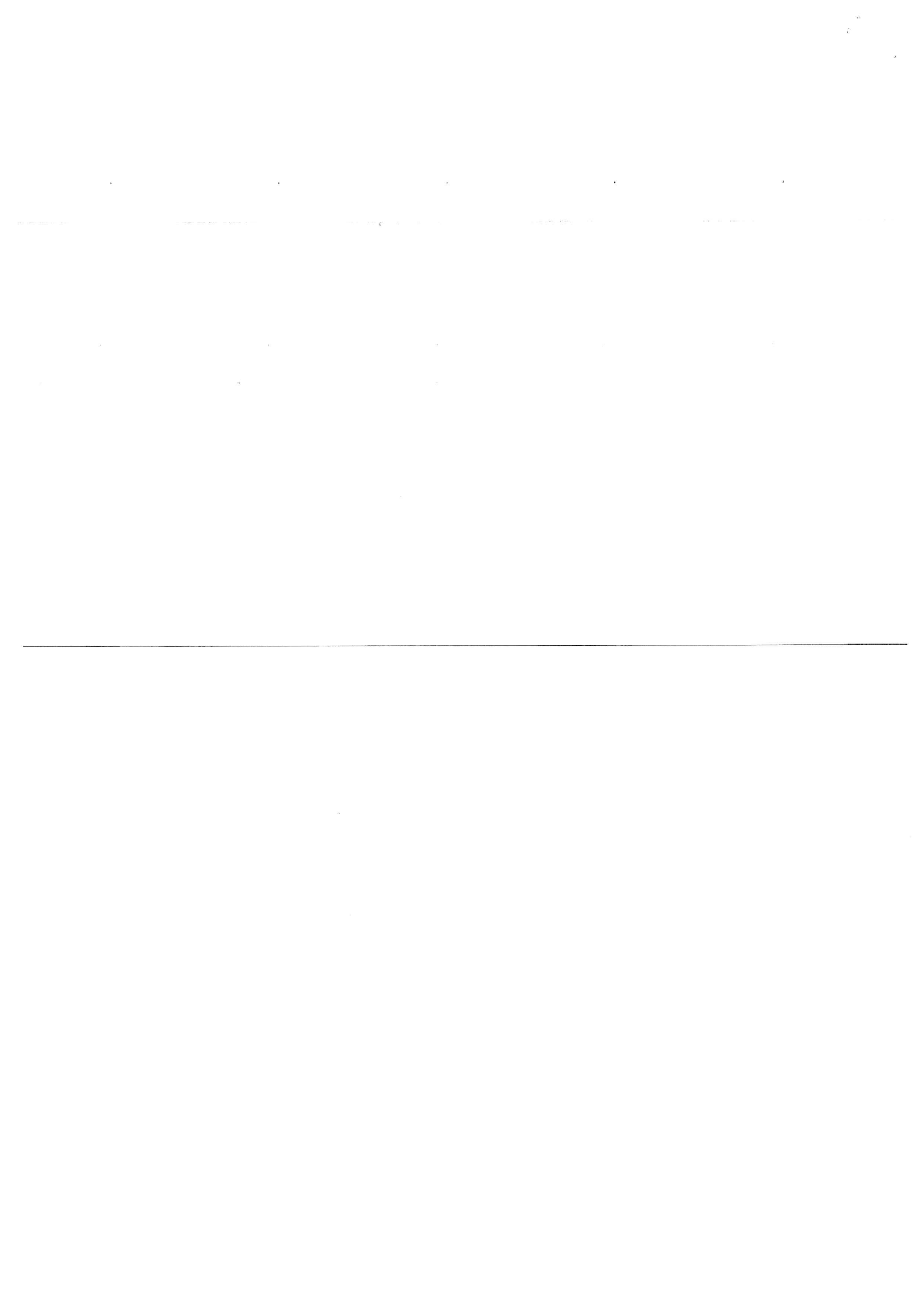
PARLIAMENT

NATIONAL ASSEMBLY BILLS
(Bill No. 53 of 2022)

THE COMMUNITY HEALTH PROMOTERS BILL, 2022

(A Bill published in the Kenya Gazette Supplement No. 183 of 2022 and passed by the National Assembly, with amendments, on Wednesday, 20th November, 2024)

N.A. /B/No. 53/2022



**THE COMMUNITY HEALTH PROMOTERS BILL,
2022**

ARRANGEMENT OF CLAUSES

Clause

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2—Interpretation.

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FIRST SCHEDULE

CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

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THE COMMUNITY HEALTH PROMOTERS BILL, 2022

A Bill for

AN ACT of Parliament to regulate the practice of community health promoters; to make provision for the training and registration of community health promoters; to establish the Community Health Promoters Council and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Community Health Promoters Act, 2022. Short title.
2. In this Act, unless the context otherwise requires— Interpretation.
 - “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to health;
 - “certificate” means a certificate of registration issued by the Council to a person entitled to be registered under this Act;
 - “community health unit” has the meaning assigned to it under section 2 of the Primary Health Care Act, 2023; No. 13 of 2023.
 - “Council” means the Community Health Promoters Council established under section 3;
 - “County Chief Officer of Health” means a county chief officer of health appointed under section 45 of the County Governments Act; Cap. 265.
 - “community health promoter” has the meaning assigned to it under section 2 of the Primary Health Care Act, 2023; No. 13 of 2023.
 - “register” means the register of community health promoters which the Registrar is required to maintain under section 19; and
 - “Registrar” means the person appointed as a Registrar under section 17 of this Act.

**PART II—ESTABLISHMENT, FUNCTIONS AND
POWERS OF THE COMMUNITY HEALTH
PROMOTERS COUNCIL**

3. (1) There is established a Council to be known as the Community Health Promoters Council. Establishment of the Council.

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

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing money or making investments;
- (d) entering into contracts; and
- (e) doing or performing all other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done or performed by a body corporate.

4. The headquarters of the Council shall be in Nairobi. Headquarters of the Council.

5. The Council shall perform the following functions— Functions of the Council.

- (a) assess the qualifications of community health promoters;
- (b) ensure the maintenance and improvement of the standards of practice by community health promoters;
- (c) establish a professional code and supervise the professional conduct and practice of community health promoters;
- (d) take the necessary disciplinary measures in cases of violations of professional conduct and discipline;
- (e) maintain the register and keep a record of all community health promoters registered under this Act;
- (f) collaborate with other bodies such as the Kenya Medical Practitioners and Dentists Council, the Central Board of Health, the Clinical Officers

Council of Kenya, the Nursing Council of Kenya and the Pharmacy and Poisons Board, in furtherance of the functions of the Council and these bodies;

- (g) advise the Cabinet Secretary and county governments on community health matters; and
- (h) consider and deal with any other matter pertaining to community health promoters including prescribing badges, insignia or uniforms to be worn by community health promoters.

6. (1) The Council shall consist of—

Membership of
the Council.

- (a) the Director-General for Health or a representative designated in writing by the Director-General for Health;
- (b) one person from a non-governmental organisation in the health sector nominated by the Non-Governmental Organisations Coordination Board;
- (c) one person nominated by the Public Health Officers and Technicians Council;
- (d) two persons with knowledge and experience in matters of community health appointed by the Cabinet Secretary;
- (e) two persons, one of whom shall be a County Chief Officer of Health, with knowledge and experience in matters of community health nominated by the Council of County Governors to represent the interests of counties; and
- (f) the Registrar who shall be the secretary and an *ex officio* member of the Council.

(2) The Chairperson shall be appointed by the Cabinet Secretary from amongst the members under subsection (1) (d) and (e).

(3) A person shall not be qualified for appointment as a member of the Council under subsection (1)(d) and (e) if the person—

- (a) has been and remains removed from the register or his or her registration, enrolment or licence has been suspended under section 27(a) and (b);

(b) has been removed from public office for contravening the Constitution or any other law; or

(c) is an undischarged bankrupt.

(4) All appointments shall be notified in the *Gazette*.

7. The members appointed under section 6 (1)(b), (c), (d) and (e) shall hold office for a term of three years and shall be eligible for reappointment for one further term.

Term of office.

8. (1) A member of the Council, other than an *ex-officio* member, shall cease to be a member of the Council if such person—

Vacation of office.

(a) is unable to perform the functions of the office by reason of mental or physical infirmity;

(b) is adjudged bankrupt;

(c) is convicted of a criminal offence and sentenced to a term of imprisonment of more than six months;

(d) is absent from three consecutive meetings of the Council without good cause;

(e) resigns in writing by a notice addressed to the Cabinet Secretary;

(f) dies; or

(g) is removed in accordance with the provisions of the Constitution.

(2) The Council shall be properly constituted notwithstanding a vacancy in its membership.

9. The Council shall have all the powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Council shall have the power to—

Powers of the Council.

(a) manage, control and administer its assets in such a manner and for such purposes as best promotes the purpose for which the Council is established;

(b) open such bank accounts for its funds as may be necessary;

(c) determine the provisions to be made for capital and recurrent expenditure and for the reserves of

the Council;

- (d) subject to approval of the Cabinet Secretary for the time being responsible for matters relating to finance, invest any of the Council's funds not immediately required for the purposes of this Act, as it may determine;
- (e) receive gifts, grants, donations or endowments made to the Council and make disbursements therefrom;
- (f) enter into association with such other bodies or organisations within or outside Kenya as it may consider desirable or appropriate and in furtherance of the purposes for which the Council is established; and
- (g) undertake any activity necessary for the fulfilment of any of its functions.

10. The Council shall conduct its affairs in accordance with the provisions of the First Schedule, but subject thereto, the Council may regulate its own procedure.

Conduct of business and affairs of the Council.

11. The members of the Council shall be paid such remuneration, allowances and disbursements for expenses as may be approved by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

Remuneration.

12. The Council may appoint such officers, agents and staff as are necessary for the proper and efficient discharge of the functions of the Council under this Act, upon such terms and conditions of service as the Council may determine in consultation with the Salaries and Remuneration Commission.

Staff.

13. (1) The Council may engage the services of such experts in respect of any of its functions in which the experts have special competence.

Experts.

(2) A person attending a meeting as an expert under this section may participate in any discussion at the meeting but shall not vote.

14. (1) The common seal of the Council shall be kept in the custody of the Registrar or of such other person as

Common seal.

the Council may direct, and shall not be used except on the order of the Council.

(2) The affixing of the common seal of the Council shall be authenticated by the signature of the Chairperson and the Registrar.

(3) The Council shall in the absence of either the Chairperson or the Registrar, in any particular matter, nominate one member of the Council to authenticate the seal of the Council on behalf of either the Chairperson or the Registrar.

(4) The common seal of the Council when affixed to a document and duly authenticated, shall be judicially and officially noticed, and unless the contrary is proved, any necessary order or authorization by the Council under this section shall be presumed to have been duly given.

15. (1) No matter done by a member of the Council or by any officer, member of staff or agent of the Council shall, if the matter or thing is done *bona fide* for the purpose of executing the functions, powers or duties of the Council under this Act, render the member, officer, employee or agent or any person acting on their directions personally liable in an action, claim or demand whatsoever.

Protection from personal liability.

(2) Any expenses incurred by any person in any suit or prosecution brought against him or her in any court, in respect of any act which is done or purported to be done by him or her under the direction of the Council, shall, if the court holds that such act was done *bona fide*, be paid out of the funds of the Council, unless such expenses are recovered by him or her in such suit or prosecution.

16. The provisions of section 15 shall not relieve the Council of the liability to pay compensation or damages to any person for any injury to him or her, his or her property or any of his or her interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, wholly or partially, of any works.

Liability for damages.

PART III — REGISTRATION AND TRAINING OF COMMUNITY HEALTH PROMOTERS

17. (1) There shall be a Registrar of the Council recruited and appointed by the Council through a

Appointment of Registrar.

competitive process.

(2) The Registrar shall hold office on such terms and conditions of employment as the Council may determine.

18. A person shall qualify for appointment as the Registrar if that person —

Qualification of the Registrar.

- (a) is a citizen of Kenya;
- (b) has a minimum of a degree from a university recognised in Kenya; and
- (c) is a registered community health promoter with at least ten years' experience in community health.

19. The Registrar shall—

Functions of the Registrar.

- (a) receive applications for registration;
- (b) advise the Council on matters relating to the profession;
- (c) keep and maintain a register of community health promoters;
- (d) publish on its website a list of the names, addresses and qualifications of the registered community health promoters not later than 31st March in every year; and
- (e) subject to the directions of the Council, make any necessary alterations or corrections in the register in relation to an entry including the deletion of names of community health promoters who have died and entries which have been fraudulently or incorrectly made.

20. (1) The register shall contain the following particulars of community health promoters—

Particulars of the register.

- (a) name and address;
- (b) qualifications of the community health promoter; and
- (c) place of business or employment of the community health promoter.

(2) A community health promoter shall notify the Registrar of any change of particulars.

21. Any person may inspect the register and any documents relating to any entry, and may obtain from the Registrar, a copy of, or an extract from the register on payment of the prescribed fee.

Inspection of the register.

22. (1) A person shall be qualified for registration, if he or she—

Registration and effect of registration.

- (a) has successfully undergone a prescribed course of training at an approved training institution;
- (b) has applied for registration in the prescribed form;
- (c) has paid the prescribed fees for registration;
- (d) has engaged in training under the supervision of a registered community health promoter for such period, being not less than one year or such period as the Council may prescribe; and
- (e) is a fit and proper person to be registered.

(2) Any person who is aggrieved by the decision of the Council not to register him or her may appeal to the High Court within sixty days of such refusal and the High Court may confirm, annul or vary the Council's decision.

(3) The Registrar shall, with the approval of the Council, issue to every person registered under this Act a certificate of registration in the prescribed form.

23. The prescribed courses for a person to qualify to be registered as a community health promoter shall be as set out in the Second Schedule.

Prescribed courses for registration.

24. A person whose name is removed from the register for any reason shall within thirty days of publication of the removal in the *Gazette*, surrender his or her certificate of registration to the Council for cancellation.

Surrender of certificates.

25. The Council shall prescribe such title or titles as may be used to denote that a person is registered under this Act.

Use of titles.

PART IV — DISCIPLINE

26. (1) There is established the Community Health Promoters Disciplinary Committee.

Establishment of a Disciplinary Committee.

(2) The Committee shall consist of—

- (a) the Chairperson of the Council;
- (b) one representative of the Cabinet Secretary who shall not be a member of the Council;
- (c) a representative of the Attorney-General with at least ten years' experience as an advocate of the High Court;
- (d) a representative of the Public Health Officers and Technicians Council; and
- (e) one community health promoter nominated by the Council of County Governors.

(3) The Registrar of the Council shall be the Secretary to the Disciplinary Committee but shall have no voting power.

(4) The quorum of the Committee shall be three members.

(5) The Disciplinary Committee shall receive and investigate complaints against community health promoters in accordance with the rules and regulations under this Act.

(6) Subject to this Act, the Disciplinary Committee shall regulate its own procedures.

27. The Disciplinary Committee may make the following orders against a community health promoter —

Disciplinary powers of the Committee.

- (a) removal from the register;
- (b) suspension of registration; or
- (c) imposition of a fine.

28. (1) Upon an inquiry held by the Committee, the person whose conduct is being inquired into shall be afforded an opportunity of being heard either in person or through an advocate.

Proceedings of the Disciplinary Committee.

(2) For the purposes of proceedings at any inquiry held by the Disciplinary Committee, the Committee may administer an oath, and may subject to any regulation made under this Act, enforce attendance of persons as witnesses and the production of books and documents.

(3) Any person whose name has been removed from the register shall forthwith surrender to the Council his or

her certificate of registration.

(4) A community health promoter who contravenes subsection (3) commits an offence and upon conviction, shall be liable to a fine not exceeding twenty thousand shillings.

(5) A community health promoter who is aggrieved by the decision of the Council in the exercise of its powers under this section may, within sixty days from the date of the decision of the Council, appeal to the High Court.

PART V—FINANCIAL PROVISIONS

29. The Funds of the Council shall consist of—

Funds of the
Council.

- (a) such monies as may be appropriated by the National Assembly for the purposes of the Council;
- (b) such monies as may be payable to the Council pursuant to this Act or any other written law;
- (c) gifts, grants, donations or endowments as may be given to the Council;
- (d) any funds provided by bilateral or multilateral donors, for the purpose of the Council;
- (e) fees for services rendered by the Council; and
- (f) monies from any other lawful source provided for the Council.

30. The financial year of the Council shall be the period of twelve months ending on the thirtieth of June in each year.

Financial year.

31. At least three months before the commencement of each financial year, the Council shall cause to be prepared estimates of revenue and expenditure of the Council for that year.

Annual estimates.

32. (1) The Council shall cause to be kept proper books and records of accounts of the income, expenditure, assets and liabilities of the Council.

Accounts and
audit.

(2) Within the period of three months after the end of each financial year, the Council shall submit to the Auditor-General, the accounts of the Council in respect of that year together with—

- (a) a statement of income and expenditure during the year; and
- (b) a balance sheet of the Council on the last day of that year.

(3) The accounts of the Council shall be audited and reported upon in accordance with the provisions of the Public Audit Act. Cap.412B.

33. The Council shall, before the end of June in each year, cause a report on the work carried out by the Council during that financial year to be supplied to the Cabinet Secretary, and shall cause such further information as may be required by the Cabinet Secretary from time to time to be supplied. Annual report.

PART VI—PROVISIONS ON DELEGATED LEGISLATION

34. (1) The Cabinet Secretary may in consultation with the Council, make regulations for the better carrying into effect the functions of the Act. Regulations.

(2) Without prejudice to the generality of subsection (1), the regulations made under this section may provide for—

- (a) the attendance of witnesses and the production of books and documents at an inquiry held by the Disciplinary Committee;
- (b) the forms to be used in connection with this Act;
- (c) the fees to be charged under this Act; and
- (d) the standards and conditions of professional practice of a person registered or licensed under this Act.

(3) For the purpose of Article 94(6) of the Constitution—

- (a) the purpose and objective of the delegation under this section is to enable the Cabinet Secretary to make rules to provide for the better carrying into effect the provisions of this Act;
- (b) the authority of the Cabinet Secretary to make regulations under this Act will be limited to

bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section; and

- (c) the principles and standards applicable to the rules made under this section are those set out in the Interpretation and General Provisions Act and the Statutory Instruments Act.

Cap. 2.
Cap. 2A.

PART VII—TRANSITIONAL PROVISIONS

35. Within twenty four months upon the commencement of this Act, the Council shall ensure that community health promoters who, immediately before the commencement of this Act, have not undertaken the courses prescribed shall undertake any of the courses prescribed in the Second Schedule for purposes of registration as a community health promoter under this Act.

Transitional
provisions.

FIRST SCHEDULE (s. 10)

CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL

1. (1) The Council shall meet not less than four times in every financial year and not more than two months shall lapse between the date of one meeting and the date of the next meeting. Meetings.

(2) A meeting of the Council shall be held on such date and at such time as the Chairperson shall appoint.

(3) Unless the majority of the membership of the Council otherwise agree, at least fourteen days' notice of every meeting shall be given to every member.

(4) The Chairperson shall on the written application of at least one-third of the members, convene a special meeting of the Council.

(5) The quorum for the conduct of the business of the Council shall be four members at least two of whom shall be members appointed under section 6 (1)(d).

(6) The Chairperson shall, when present, preside at every meeting of the Council but the members present shall elect one member to preside whenever the Chairperson is absent, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

(7) Unless an unanimous decision is reached, a decision on any matter before the Council shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(8) Subject to subparagraph (5), no proceedings of the Council shall be invalid by reason only of a vacancy among the members thereof.

2. (1) A member who has an interest in any contract, or other matter present at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in Disclosure of interest by Council members.

the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Council who contravenes subparagraph (1) commits an offence and is liable on conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred thousand shillings, or to both.

3. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Council by any person generally or specially authorized by the Council.

Execution of instruments.

4. The Council shall cause minutes of all resolutions and proceedings of meetings of the Council to be entered in books kept for that purpose.

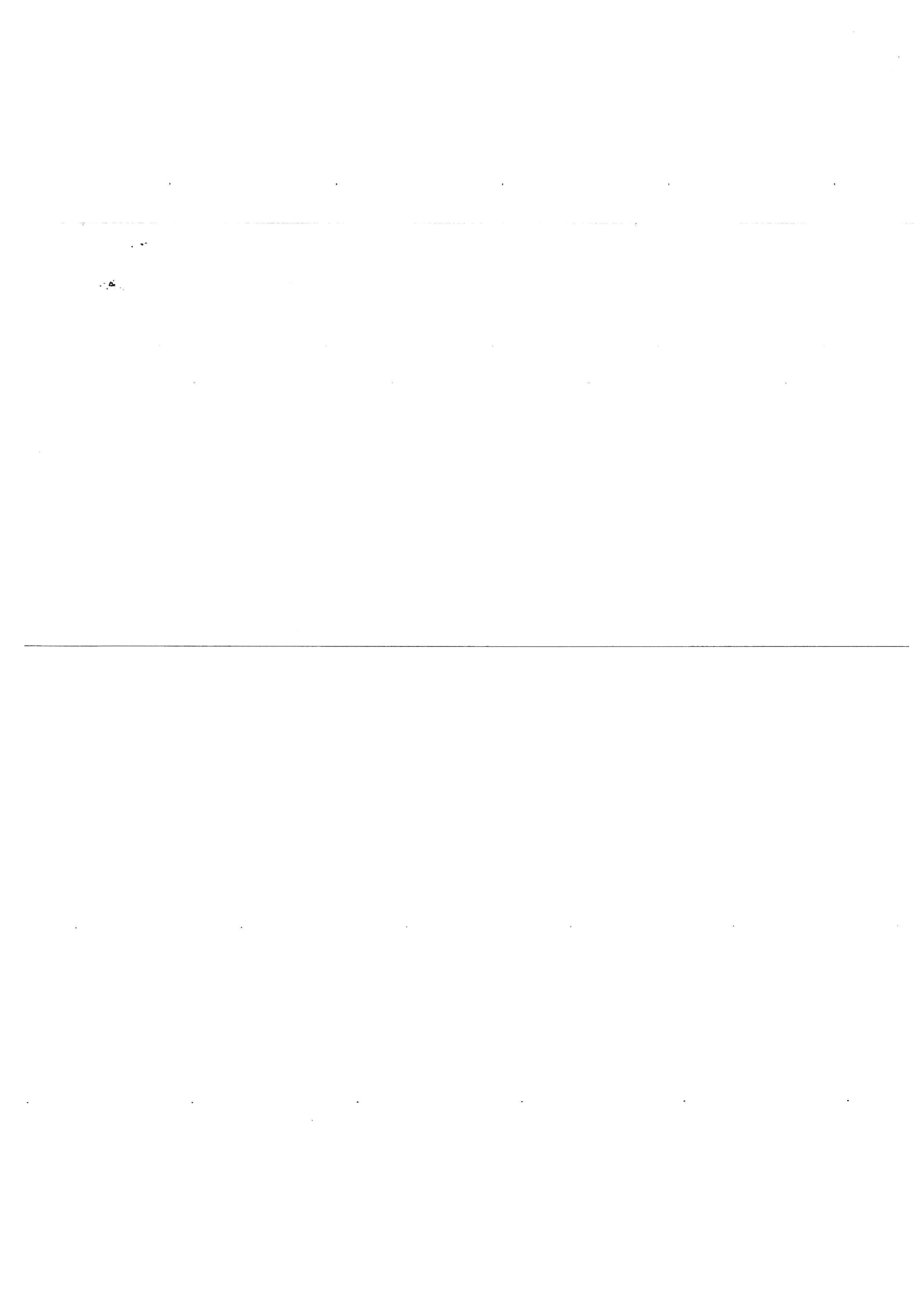
Minutes.

SECOND SCHEDULE (s. 23)

PRESCRIBED COURSES

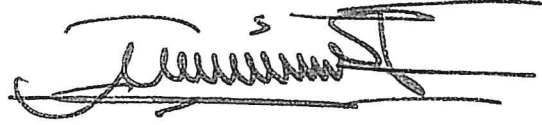
A person is eligible for registration as a community health promoter where the person has undertaken training in—

- (a) community health;
- (b) psychology;
- (c) counselling;
- (d) social work;
- (e) community HIV counselling and testing;
- (f) immunization;
- (g) community development;
- (h) health education; or
- (i) any other relevant training as prescribed by the Cabinet Secretary.



The Community Health Promoters Bill, 2022

I certify that this printed impression is a true copy of the Bill passed by the National Assembly on the 20th November, 2024.



Clerk of the National Assembly

Endorsed for presentation to the Senate in accordance with the provisions of Standing Order 142 of the National Assembly Standing Orders.



Speaker of the National Assembly

