



Approved
SNA
13/11/24

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – THIRD SESSION – 2024


DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON EDUCATION

PARLIAMENT
OF KENYA
LIBRARY

REPORT ON:

THE BASIC EDUCATION (AMENDMENT) BILL, 2023
(National Assembly Bill No. 59 of 2023)

CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS

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

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
KNCHR	-	Kenya National Commission on Human Rights
NACONEK	-	National Council for Nomadic Education in Kenya
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 Basic Education (Amendment) Bill 2024 sponsored by Hon. Mary Wamaua, MP was read a First Time on 6th December, 2023 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 Basic Education act (Cap 211) to provide for the establishment of Sub-County Education Boards in every Sub-county.

Pursuant to Article 118(1) (b) of the Constitution and Standing Orders 127(3), advertisements for request for submission were placed in the "Daily Nation" and the "Standard" newspapers on 9th December, 2023 inviting interested members of the public to submit any representations they may have on the Bill. The Committee did not receive representations and further sought views from stakeholders via letter dated 19th December, 2024.

The Committee further wrote letters to the Principal Secretary State Department for Basic Education, the Director General, Kenya Institute of Special Education, the Chief Executive Officer, Kenya Institute of Curriculum Development, the Chief Executive Officer, Kenya National Examinations Council, the Chief Executive Officer, National Council for Nomadic Education in Kenya (NACONEK) and the Chief Executive Officer, Katiba Institute which did not elicit responses.

Further, in considering the Bill the Committee held a total of three (3) meetings to receive and consider submissions.

The Committee having considered the Bill clause by clause and having met with the Sponsor of the Bill 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 Basic Education (Amendment) Bill 2024 sponsored by Hon. Mary Wamaua, MP

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 proposed 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 proposes changes to the Basic Education Act, 2013 with the primary objective of establishing Sub-county Education Boards in each sub-county across Kenya. This amendment aims to decentralize educational oversight by creating localized boards that operate under the guidance of the County Education Boards. These Sub-county Education Boards will manage several essential functions, such as maintaining a data bank of all educational and training institutions in their respective sub-counties, assessing budgetary needs for local institutions, and recommending schools eligible for infrastructural development funding.
7. The creation of these boards is intended to enhance the responsiveness and efficiency of educational governance at a more localized level, aligning with broader national efforts to promote inclusivity and quality in education.
8. The Bill introduces a more structured approach to resource allocation and educational planning, with provisions for budget assessment and program development at the sub-county level. This localized focus is expected to support school infrastructure, institutional lunch programs, and other critical needs based on specific community requirements.
9. The Bill also emphasizes stakeholder collaboration, with provisions for input from various community representatives, including members of Parliament, the Teachers Service Commission, and Parents Teachers' Associations, to ensure diverse perspectives in decision-making. These changes mark a significant shift towards inclusive, community-driven educational governance, allowing each sub-county to address its unique challenges more effectively within the national framework.

2.2 Memorandum of Objects and Reasons for the Bill

10. The object of the Bill is to amend the Basic Education Act (Cap 211) to provide for the establishment of Sub-County Education Boards in every Sub-county.
11. The functions of the Sub-County Education Board shall include, the establishment of a data bank of all education and training institutions in the sub-county and assessment of the budgetary requirements of all education and training institutions in the sub-county and developing allocation programmes including programmes for allocation to institutional lunch programmes.

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

9. The Bill delegates legislative powers to the Cabinet Secretary. It does not limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

10. The Bill concerns county governments in terms of Article 110(1) of the Constitution as it affects the functions of county governments as set out in 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 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 Basic Education (Amendment) Bill 2024 sponsored by Hon. Mary Wamaua, MP, was read a First Time on 6th December, 2023 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 “Daily Nation” and the “Standard” newspapers on 9th December, 2023 inviting interested members of the public to submit any representations they may have on the Bill. The Committee did not receive representations and further sought views from stakeholders via letter dated 19th December, 2024 letter REF. NA/DDC/EDUC/2023/ (181).

14. The Committee further wrote reminder letters to the Principal Secretary State Department for Basic Education, the Director General, Kenya Institute of Special Education, the Chief Executive Officer, Kenya Institute of Curriculum Development, the Chief Executive Officer, Kenya National Examinations Council, the Chief Executive Officer, National Council for Nomadic Education in Kenya (NACONEK) and the Chief Executive Officer, Katiba Institute which did not elicit responses. (letters dated 8th April, 2024 ref no. NA/DDC/EDUC/2024/ (24) and letter ref. no. NA/DDC/EDUC/2024/ (25).

15. In considering the Bill the Committee held a total of three (3) meetings to receive and consider submissions from the stakeholders.

3.3 Meeting with the Sponsor of the Bill

16. Hon. Mary Wamaua, M.P, the sponsor of the Basic Education (Amendment) Bill, 2023 appeared before the Committee on 17th October 2024 and submitted as follows:

17. The effect of this amendment is to provide for the establishment of Sub- County Education Boards in every sub-county.

18. The amendment provides for the functions of the Sub- County Education Board to include, the establishment of a data bank of all education and training institutions in the sub-county and assessment of the budgetary requirements of all education and training institutions in the sub-county. The Board will also be mandated to develop allocation programmes including programmes for allocation to institutional lunch programmes.

19. The Sub-County Education Board shall consult with the County Education Board in the performance its functions.

20. The amendment further provides for the composition of the Sub-county Education Board which shall consist of a Chairperson and six other members appointed by the Cabinet Secretary

through an open and competitive process. The minimum academic qualifications for the Chairperson and the members is also provided for.

21. Remuneration of the members of the Sub-county Education Board shall be paid by the organizations they represent in the Board such allowances and disbursements for expenses as may be approved by Cabinet Secretary in consultation with the Salaries and Remuneration Commission.
22. The Sub-county Education Board may from time to time co-opt into its membership such persons not being more than three as it is satisfied possess skills and experience necessary in the discharge of the functions of the Sub- County Education Board.

PART IV

4.0 COMMITTEE OBSERVATIONS

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

- i. The establishment of Sub-County Education Boards would be a timely and necessary provision in the administration of public schools at Sub-County level. It would allow for decentralization of the administration of schools and allow for ease of access to the Boards by educational institutions.
- ii. The Bill provides for open and competitive process in recruitment of Members to the Sub-County Education Boards but proceeds to provide for different groups to be represented in the Board, including the Teachers Service Commission and Labour Unions. This is contradictory as representatives of industry regulators and labour unions cannot be competitively recruited by the Cabinet Secretary. Similarly, it would be difficult to provide for gender balance in the Board as envisioned by the amendment as representation is drawn from diverse bodies.
- iii. The area Member of Parliament is provided for as an ex-officio member of the Board since Basic Education is a function of the National Government and not a devolved function.
- iv. Religious institutions play a key role in provision of education in the country and should be included in the membership of the Sub-County Education Boards.
- v. The amendment provides for remuneration to the Board Members but there is a lack of clarity on who will pay Board members seconded to the Board by other bodies.
- vi. The composition of the Board is skewed towards members with a background in Education but there is a need to include other relevant professionals including Accountants.

PART V

5.0 COMMITTEE RECOMMENDATION

The Committee, having considered the Basic Education (Amendment) Bill, 2023 and the submissions from 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 be amended—

- (a) by deleting the proposed new section 18A and substituting therefore the following paragraph—

There is established a Sub-County Education Board.

Justification

To safeguard the independence of the Sub-County Education Board.

- (b) by deleting the words “through an open and competitive process” immediately after the words “the Cabinet Secretary” in the proposed new section 18C (1).

Justification

The members constituting the board have standing offices and therefore appointment through an open and competitive process does not apply.

- (c) by deleting in the proposed new section 18C (2)(a).

Justification

A Member of Parliament provides oversight to the Board and can therefore not form part of its membership.

- (d) by deleting in the proposed new 18C (2)(f) and inserting the following new subclause—
two professionals with at least five years of experience based in the sub-county nominated by the Parents Teachers Association in the Sub-county.

Justification

This is to ensure the Sub-County Education Board benefits from knowledge and experience of professionals from various professional backgrounds.

- (e) in the proposed new 18C (2) by inserting the following new paragraph immediately after paragraph (f)—

(fa) two persons nominated by the dominant religious affiliations form the following bodies—

- (i) a joint forum of the National Council of Churches of Kenya and the Evangelical Fellowship of Kenya;
- (ii) the Kenya Episcopal Conference; or
- (iii) the Muslim Education Council.

Justification

This is to ensure representation of faith-based organizations in the membership of Sub-County Education Board.

(f) by deleting the proposed new section 18 E (1) and substituting therefore the following new sub-clause—

(1) A Sub-county Education Board shall hold such number of meetings at such places and at such times as the Sub-county Education Board shall consider necessary for the proper discharge of its functions.

(2) Notwithstanding subsection (1) of the Sub-county Education Board shall meet not less than four times in each financial year.

(3) At least a seven-day notice shall be given prior to any meeting of the Sub-county Education Board.

Justification

To ensure provide for the independence of the Sub-county Education Board in the conduct of its business and provide for procedure on the same.

(g) Amend clause 18 F by deletion and inserting the following new sub-clause

The Sub-county Education Board shall pay its members such remuneration or allowances as may be approved by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

Justification

This is to facilitate a realistic system of remuneration for members serving in the Sub-County Education Board as the system of payment by the organizations they represent may encounter implementation challenges.

(h) by deleting in the proposed new section 18G.

Justification

The Sub-County Education Board has in its proposed membership, professionals with at least five years of experience nominated by the Parents Teachers Association in the Sub-county, who would therefore fulfil the need of any specializations required by Sub-County Education Board curing the need for co-opting further members.

SIGNED

DATE 12/11/2024

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

PAPERS LAID

DATE: 13 NOV 2024 DAY: _____

TABLED BY:	MAJORITY PARTY WHIP HON. NAOMI NARO, MP
CLERK-AT THE-TABLE:	MRS. MERCY 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 BASIC EDUCATION (AMENDMENT)
BILL 2023 BY HON. MARY WAMUKU, M.P.

NO.	NAME	SIGNATURE
1.	Hon. Julius Melly, MP Chairperson	
2.	Hon. Malulu Injendi, MP Chairperson	
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	

ANNEX 2:

MINUTES

**MINUTES OF THE 42ND SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION
HELD ON TUESDAY, 6TH AUGUST, 2024, IN THE COMMITTEE ROOM 14, 2ND FLOOR,
BUNGE TOWER, PARLIAMENT BUILDINGS AT 10:00 AM.**

PRESENT

1. Hon. Julius Melly, CBS, M.P. - Chairperson
2. Hon. Moses Malulu Injendi, M.P. - Vice-Chairperson
3. Hon. Eve Obara, MBS, M.P.
4. Hon. Jerusha Momanyi, M.P.
5. Hon. Anne Wanjiku Muratha, M.P.
6. Hon. Clive Ombane Gisairo, M.P.
7. Hon. Dick Maungu Oyugi, M.P.
8. Hon. Julius Taitumu M'Anaiba, M.P.
9. Hon. Rebecca Noonaiishi Tonkei, M.P.
10. Hon. Timothy Kipchumba Toroitich, M.P.
11. Hon. Prof. Phylis Jepkemoi Bartoo, M.P.
12. Hon. Abdul Ebrahim Haro, M.P.

ABSENT WITH APOLOGIES

1. Hon. Dr. Christine Oduor Ombaka, M.P.
2. Hon. Nabii Nabwera Daraja, M.P.
3. Hon. Peter Ochieng Orero, M.P.

SECRETARIAT

1. Mr. Mohamed Boru - Clerk Assistant I
2. Mr. Clive Onyancha - Clerk Assistant III
3. Mr. Maina Mburu - Research Officer
4. Ms. Fiona Wanjiru - Legal Counsel
5. Mr. Jared Onyancha - Protocol Officer
6. Mr. Eric Kanyi - Fiscal Analyst

A G E N D A

1. Prayers
2. Preliminaries and adoption of Agenda
3. Confirmation of Minutes and matters arising
4. Any other Business
5. Adjournment and date of the next sitting.

MIN. NO. 226/NA/EDUC/2024: PRELIMINARIES

The Chairperson called the meeting to order at twenty five minutes past ten o'clock followed by a prayer from Hon. Rebecca Tonkei, M.P. and self-introductions.

MIN. NO. 227/NA/EDUC/2024: ADOPTION OF AGENDA

The Agenda for the meeting was adopted having been proposed by Hon. Jerusha Momanyi, M.P and seconded by Hon. Rebecca Tonkei, MP.

MIN. NO. 228/NA/EDUC/2024: CONFIRMATION OF MINUTES

1. Minutes of the 31st sitting held on 4th June, 2024 were adopted having been proposed by Hon. Dick Maungu Oyugi, M.P and seconded by Hon. Clive Ombane Gisairo, M.P.
2. Minutes of the 32nd sitting held on 11th June, 2024 were adopted having been proposed by Hon. Peter Orero, M.P and seconded by Hon. Julius Taitumu M'Anaiba, M.P.
3. Minutes of the 33rd sitting held on 13th June, 2024 were adopted having been proposed by Hon. Abdul Ebrahim Haro, M.P and seconded by Hon. Hon. Clive Ombane Gisairo, M.P.
4. Minutes of the 34th sitting held on 17th July, 2024 were adopted having been proposed by Hon. Julius Taitumu M'Anaiba, M.P and seconded by Hon. Timothy Kipchumba Toroitich, M.P.
5. Minutes of the 35th sitting held on 18th July, 2024 were adopted having been proposed by Hon. Jerusha Momanyi, M.P and seconded by Hon. Timothy Kipchumba Toroitich, M.P.
6. Minutes of the 36th sitting held on 18th July, 2024 were adopted having been proposed by Hon. Rebecca Tonkei, M.P and seconded by Hon. Prof. Phylis Jepkemoi Bartoo, M.P.
7. Minutes of the 37th sitting held on 19th July, 2024 were adopted having been proposed by Hon. Rebecca Tonkei, M.P and seconded by Hon. Timothy Kipchumba Toroitich, M.P.
8. Minutes of the 38th sitting held on 19th July, 2024 were adopted having been proposed by Hon. Rebecca Tonkei, M.P and seconded by Hon. Jerusha Momanyi, M.P.

MIN. NO. 229/NA/EDUC/2024: MATTERS ARISING

1. **Placement of Students in Funding Bands:** The Chairperson informed the Committee that the process of placing students in bands for funding was ongoing. The application deadline for students funding has been extended to 15th August, 2024.
2. **Funding of Students in Private Universities:** The Committee resolved that the State Department of Higher Education should confirm the funding status for continuing students placed in private Universities.
3. **Presidential Working Party Report:** The Committee resolved to hold a retreat with the Ministry of Education to be appraised on the implementation status of the report with regards to various programmes therein.
4. **Reinstatement of Kshs. 10 Billion to Teachers Service Commission in Supplementary Estimates 1 FY 2024/25 -** The Committee observed that the recommendation to reinstate Kshs. 10 Billion deducted from the Teachers Service

Commission's recurrent budget was not adopted by the Budget and Appropriations Committee.

5. **Reinstatement of funding to the State Department of Higher Education** - The Committee observed that the recommendation to reinstate funding of Kshs. 1.5 Billion deducted from the State Department's budget for funding students placed in private Universities was not adopted by the Budget and Appropriations Committee.
6. **Re-allocation of Funding for National Examinations** - The Chairperson informed the Committee that he moved an amendment on the floor of the House to transfer funding of Kshs. 2 Billion from University capitation vote to examination invigilation, considering the timeline for the examination at the end of the calendar year. He informed the Committee that the amount would be reinstated during the next supplementary budget for the FY 2024/25.

**MIN. NO. 230/NA/EDUC/2024: CONSIDERATION OF THE BASIC EDUCATION
(AMENDMENT) BILL, 2023 BY HON. MARY
WAMAUA**

The Committee observed that the proposed amendment did not receive submissions from the public despite the advertisements being placed in the newspapers.

The Committee resolved to consider a report on the Bill and adopt it during the next meeting.

MIN. NO. 231/NA/EDUC/2024: ANY OTHER BUSINESS

1. **Invitation to the RUFORUM Conference in Namibia** - The Committee considered an invitation to attend the Regional Universities Forum for Capacity Building in Agriculture (RUFORUM) Conference in Namibia from 12th to 16th August, 2024. The Committee noted that the Kenyan Universities are founding members of the Forum that provides a platform for networking and capacity building for Universities. The Committee resolved to accept the invitation and nominated Hon. Eve Obara, MP and Hon. Timothy Toroitich, MP to attend the conference.
2. **Invitation to the 16th Annual Kenya Scholars & Studies Association Conference** - The Committee considered an invitation to the Kenya Scholars and Studies Association annual conference in Atlanta, Georgia from 6th to 7th September, 2024. The Committee nominated Hon. Julius Taitumu, MP, Hon. Rebecca Tonkei, MP and Hon. (Prof.) Phyllis Bartoo, MP to attend the conference.

MIN. NO. 232/NA/EDUC/2024: ADJOURNMENT

There being no other business the meeting was adjourned at fifty one minutes past eleven O'clock. The next meeting will be held on Notice.

SIGNED:  DATE:

**HON. JULIUS MELLY, CBS, MP,
CHAIRPERSON**

MINUTES OF THE 51ST SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON THURSDAY, 17TH OCTOBER, 2024, IN THE COMMITTEE ROOM 26, 5TH FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS AT 10:00 AM.

PRESENT

1. Hon. Julius Melly, CBS, M.P. - Chairperson
2. Hon. Moses Malulu Injendi, M.P. - Vice-Chairperson
3. Hon. Dr. Christine Oduor Ombaka, M.P.
4. Hon. Peter Ochieng Orero, M.P.
5. Hon. Eve Obara, MBS, M.P.
6. Hon. Clive Ombane Gisairo, M.P.
7. Hon. Dick Maungu Oyugi, M.P.
8. Hon. Julius Taitumu M'Anaiba, M.P.
9. Hon. Jerusha Momanyi, M.P.
10. Hon. Timothy Kipchumba Toroitich, M.P.
11. Hon. Nabii Nabwera Daraja, M.P.
12. Hon. Prof. Phylis Jepkemoi Bartoo, M.P.

ABSENT WITH APOLOGIES

1. Hon. Anne Wanjiku Muratha, M.P.
2. Hon. Abdul Ebrahim Haro, M.P.
3. Hon. Rebecca Noonaiishi Tonkei, M.P.

SECRETARIAT

1. Mr. Mohamed Boru - Clerk Assistant I
2. Mr. Clive Onyancha - Clerk Assistant II
3. Mr. Maina Mburu - Research Officer
4. Ms. Fiona Wanjiru - Legal Counsel
5. Mr. Jared Onyancha - Protocol Officer
6. Ms. Pauline Njuguna - Hansard Officer
7. Mr. Nimrod Ochieng - Audio Officer

MIN. NO. 280/NA/EDUC/2024: PRELIMINARIES

The Chairperson called the meeting to order at twenty one minutes past ten o'clock with a prayer by Hon. Moses Malulu Injendi, M.P followed by self-introductions.

MIN. NO. 281/NA/EDUC/2024: ADOPTION OF AGENDA

The agenda for the meeting was adopted having been proposed by Hon. Moses Malulu Injendi, M.P and seconded by Hon. Jerusha Momanyi, M.P.

MIN. NO. 282/NA/EDUC/2024: ADOPTION OF THE REPORT ON THE BASIC EDUCATION (AMENDMENT) BILL, 2023

The Committee considered and adopted the Report on the Consideration of the Basic Education (Amendment) Bill, 2023 having been proposed by Hon. Prof. Phylis Jepkemoi Bartoo, M.P. and seconded by Hon. Jerusha Momanyi, M.P.

**MIN. NO. 283/NA/EDUC/2024: CONSIDERATION OF THE BASIC EDUCATION
(AMENDMENT) BILL, 2023**

Hon. Mary Wamaua, M.P, the sponsor of the Basic Education (Amendment) Bill, 2023 appeared before the Committee and made submissions on the Bill as follows:

1. The object of the Bill is to amend the Basic Education Act (Cap 211) to provide for the establishment of Sub-County Education Boards in every Sub-county.
2. The functions of the Sub-County Education Board shall include, the establishment of a data bank of all education and training institutions in the sub-county and assessment of the budgetary requirements of all education and training institutions in the sub-county and developing allocation programmes including programmes for allocation to institutional lunch programmes.
3. The Sub-County Education Board shall consult with the County Education Board in the performance its functions.
4. The amendment further provides for the composition of the Sub-county Education Board which shall consist of a Chairperson and six other members appointed by the Cabinet Secretary through an open and competitive process. The minimum academic qualifications for the Chairperson and the members is also provided for.
5. Remuneration of the members of the Sub-county Education Board shall be paid by the organizations they represent in the Board such allowances and disbursements for expenses as may be approved by Cabinet Secretary in consultation with the Salaries and Remuneration Commission.
6. The Sub-county Education Board may from time to time co-opt into its membership such persons not being more than three as it is satisfied possess skills and experience necessary in the discharge of the functions of the Sub- County Education Board.

Committee Observation

The Committee made the following observation

1. The establishment of Sub-County Education Boards would be a timely and necessary provision in the administration of public schools at Sub-County level. It would allow for decentralization of the administration of schools and allow for ease of access to the Boards by educational institutions.

2. The Bill provides for open and competitive process in recruitment of Members to the Sub-County Education Boards but proceeds to provide for different groups to be represented in the Board, including the Teachers Service Commission and Labour Unions. This is contradictory as representatives of industry regulators and labour unions cannot be competitively recruited by the Cabinet Secretary. Similarly, it would be difficult to provide for gender balance in the Board as envisioned by the amendment as representation is drawn from diverse bodies.
3. The area Member of Parliament is provided for as an ex-officio member of the Board since Basic Education is a function of the National Government and not a devolved function.
4. Religious institutions play a key role in provision of education in the country and should be included in the membership of the Sub-County Education Boards.
5. The amendment provides for remuneration to the Board Members but there is a lack of clarity on who will pay Board members seconded to the Board by other bodies.
6. The composition of the Board is skewed towards members with a background in Education but there is a need to include other relevant professionals including Accountants.

Committee Resolutions

The Committee made the following resolutions:


1. The Committee resolved to move an amendment to Clause 2 of the Bill to remove the provision of the Member of Parliament as a member of the Sub-County Education Board.
2. The Committee further resolved to replace the Member of Parliament with two representatives of religious organizations from among the majority denominations in the Sub-county.

MIN. NO. 284/NA/EDUC/2024: ANY OTHER BUSINESS

No other business arose.

MIN. NO. 285/NA/EDUC/2024: ADJOURNMENT

There being no other business the meeting was adjourned at twenty three minutes past twelve O'clock. The next meeting will be held on Notice.

SIGNED:  DATE: 12/11/24

**HON. JULIUS MELLY, CBS, MP,
CHAIRPERSON**

MINUTES OF THE 58TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON FRIDAY, 1ST NOVEMBER, 2024, IN BARAZA CONFERENCE ROOM, SAROVA WHITESANDS HOTEL, MOMBASA AT 3:00 PM.

PRESENT

1. Hon. Julius Melly, M.P. - Chairperson
2. Hon. Moses Malulu Injendi, M.P. - Vice-Chairperson
3. Hon. Dr. Christine Oduor Ombaka, M.P.
4. Hon. Eve Obara, MBS, M.P.
5. Hon. Abdul Ebrahim Haro, M.P.
6. Hon. Dick Maungu Oyugi, M.P.
7. Hon. Nabii Nabwera Daraja, M.P.
8. Hon. Peter Ochieng Orero, M.P.
9. Hon. Prof. Phyllis Jepkemoi Bartoo, M.P.
10. Hon. Rebecca Noonaiishi Tonkei, M.P.
11. Hon. Clive Ombane Gisairo, M.P.
12. Hon. Timothy Kipchumba Toroitich, M.P.

APOLOGIES

1. Hon. Anne Wanjiku Muratha, M.P.
2. Hon. Jerusha Momanyi, M.P.
3. Hon. Julius Taitumu M'Anaiba, M.P.

SECRETARIAT

1. Mr. Mohamed Boru - Clerk Assistant I
2. Mr. Clive Onyancha - Clerk Assistant II
3. Dr. Mburu Maina - Research Officer
4. Ms. Fiona Wanjiru - Legal Counsel
5. Mr. Nimrod Ochieng - Audio Officer

MIN. NO. 322/NA/EDUC/2024: PRELIMINARIES

The Chairperson called the meeting to order at three O'clock. The Chairperson informed members that the meeting was a continuation of the morning meeting whose agenda was adoption of Committee reports on various Bills under consideration by the Committee.

MIN. NO. 323/NA/EDUC/2024: CONSIDERATION OF REPORTS ON VARIOUS BILLS AND LEGISLATIVE PROPOSALS BEFORE THE COMMITTEE

1. Report on the Basic Education (Amendment) Bill, 2023 sponsored by Hon. Mary Wamaua, M.P

The Committee having considered the report on the Basic Education (Amendment) Bill, 2023 sponsored by Hon. Mary Wamaua, M.P, unanimously resolved to adopt the report as an accurate representation of the Committee's deliberations. The motion for adoption was proposed by Hon. Nabii Nabwera Daraja, M.P, and seconded by Hon. Dr. Christine Oduor Ombaka, M.P.

CLAUSE 2

THAT, clause 2 of the Bill be amended—

- (a) by deleting the proposed new section 18A and substituting therefore the following paragraph—

There is established a Sub-County Education Board.

Justification

To safeguard the independence of the Sub-County Education Board.

- (b) by deleting the words “through an open and competitive process” immediately after the words “the Cabinet Secretary” in the proposed new section 18C (1).

Justification

The members constituting the board have standing offices and therefore appointment through an open and competitive process does not apply.

- (c) by deleting in the proposed new section 18C (2)(a).

Justification

A Member of Parliament provides oversight to the Board and can therefore not form part of its membership.

- (d) by deleting in the proposed new 18C (2)(f) and inserting the following new subclause—

two professionals with at least five years of experience based in the sub-county nominated by the Parents Teachers Association in the Sub-county.

Justification

This is to ensure the Sub-County Education Board benefits from knowledge and experience of professionals from various professional backgrounds.

- (e) in the proposed new 18C (2) by inserting the following new paragraph immediately after paragraph (f)-

(fa) two persons nominated by the dominant religious affiliations form the following bodies—

- (i) a joint forum of the National Council of Churches of Kenya and the Evangelical Fellowship of Kenya;
- (ii) the Kenya Episcopal Conference; or
- (iii) the Muslim Education Council.

Justification

This is to ensure representation of faith-based organizations in the membership of Sub-County Education Board.

(f) by deleting the proposed new section 18 E (1) and substituting therefore the following new sub-clause—

(1) A Sub-county Education Board shall hold such number of meetings at such places and at such times as the Sub-county Education Board shall consider necessary for the proper discharge of its functions.

(2) Notwithstanding subsection (1) of the Sub-county Education Board shall meet not less than four times in each financial year.

(3) At least a seven-day notice shall be given prior to any meeting of the Sub-county Education Board.

Justification

To ensure provide for the independence of the Sub-county Education Board in the conduct of its business and provide for procedure on the same.

(g) Amend clause 18 F by deletion and inserting the following new sub-clause

The Sub-county Education Board shall pay its members such remuneration or allowances as may be approved by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

Justification

This is to facilitate a realistic system of remuneration for members serving in the Sub-County Education Board as the system of payment by the organizations they represent may encounter implementation challenges.

(h) by deleting in the proposed new section 18G.

Justification

The Sub-County Education Board has in its proposed membership, professionals with at least five years of experience nominated by the Parents Teachers Association in the

Sub-county, who would therefore fulfil the need of any specializations required by Sub-County Education Board curing the need for co-opting further members.

2. Report on the Universities (Amendment) Bill 2023 by Hon. Wanami Wamboka, M.P

The Committee having considered the report on the Universities (Amendment) Bill 2023 by Hon. Wanami Wamboka, M.P, unanimously resolved to adopt the report as an accurate representation of the Committee's deliberations. The motion for adoption was proposed by Hon.Rebecca Noonaiishi Tonkei, M.P, and seconded by Hon. Eve Obara, MBS, M.P.

The Committee having considered the Bill clause by clause and considering views and recommendations of the stakeholders pursuant to Standing Orders 127 (3A) recommends that the amendments contained in the Bill should be deleted in their entirety.

The Committee considered all clauses of the Bill and recommended as follows;

- i. Clause 1 - Deletion
- ii. Clause 2 - Deletion
- iii. Clause 3 - Deletion
- iv. Clause 4 - Deletion

3. Report on the Universities (Amendment) (No.3) Bill, 2023 (National Assembly Bill No. 64) by Hon. Christopher Aseka Wangaya, M.P

The Committee having considered the report on the Universities (Amendment) Bill, 2023 by Hon. Christopher Aseka, M.P, unanimously resolved to adopt the report as an accurate representation of the Committee's deliberations. The motion for adoption was proposed by Hon. Nabii Nabwera Daraja, M.P, and seconded by Hon. Eve Obara, MBS, M.P.

The Committee resolved to amend the Bill as follows:

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting the proposed new clause.

Justification

Government grants provided to private universities are intended to support research and. development initiatives that benefit the public. Consequently, these grants should be maintained to continue fostering advancements that serve the public good.

CLAUSE 3

THAT clause 3 of the Bill be amended by deleting the proposed new clause.

Justification

Government grants provided to private universities are intended to support research and development initiatives that benefit the public. Consequently, these grants should be maintained to continue fostering advancements that serve the public good.

4. Report on the Universities (Amendment) Bill, 2023 (National Assembly Bill No. 79) by Hon. Benjamin Gathiru, M.P

The Committee having considered the report on the Universities (Amendment) Bill, 2023 (National Assembly Bill No. 79) by Hon. Benjamin Gathiru, M.P, unanimously resolved to adopt the report as an accurate representation of the Committee's deliberations. The motion for adoption was proposed by Hon. Rebecca Noonaishi Tonkei, M.P, and seconded by Hon. Dr. Christine Oduor Ombaka, M.P.

The Committee resolved that the House approves the Bill.

5. Report on the Universities (Amendment) Bill, 2024 (National Assembly Bill No. 16) by Hon. Owen Baya, M.P

The Committee having considered the report on the Universities (Amendment) Bill, 2024 (National Assembly Bill No. 16) by Hon. Owen Baya, M.P, unanimously resolved to adopt the report as an accurate representation of the Committee's deliberations. The motion for adoption was proposed by Hon. Abdul Ebrahim Haro, M.P, and seconded by Hon. Eve Obara, MBS, M.P.

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.

6. Report on the Technical and Vocational Training (Amendment) Bill, 2023 by Hon. Joshua Oron, M.P

The Committee having considered the report on Technical and Vocational Training (Amendment) Bill, 2023 by Hon. Joshua Oron, M.P, unanimously resolved to adopt the report as an accurate representation of the Committee's deliberations. The motion for adoption was proposed by Hon. Timothy Kipchumba Toroitich, M.P, and seconded by Hon. Rebecca Noonaiishi Tonkei, M.P.

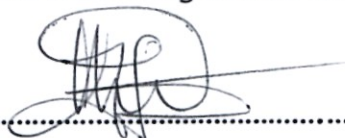
MIN. NO. 324/NA/EDUC/2024: ANY OTHER BUSINESS

There was no other business

MIN. NO. 325/NA/EDUC/2024: ADJOURNMENT

There being no other business the meeting was adjourned at six minutes past five O'clock. The next meeting will be held on Notice.

SIGNED:



DATE:

12/11/2024

**HON. JULIUS MELLY, CBS MP,
CHAIRPERSON**

ANNEX 3:

NEWSPAPER ADVERTISEMENT ON PUBLIC PARTICIPATION



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT- SECOND SESSION (2023)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

1. THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 59 OF 2023);
2. THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 66 OF 2023);
3. THE NATIONAL GOVERNMENT ADMINISTRATION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 73 OF 2023);
4. THE LAND LAWS (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 76 OF 2023); AND
5. THE NATIONAL EMPLOYMENT AUTHORITY (AMENDMENT) BILL (SENATE BILL NO. 48 OF 2023)

INVITATION TO SUBMIT MEMORANDA

Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation:

AND WHEREAS the Basic Education (Amendment) Bill (National Assembly Bill No. 59 of 2023); the Environmental Management and Co-ordination (Amendment) Bill (National Assembly Bill No. 66 of 2023); the National Government Administration Laws (Amendment) Bill (National Assembly Bill No. 73 of 2023); the Land Laws (Amendment) (No. 2) Bill (National Assembly Bill No. 76 of 2023); and the National Employment Authority (Amendment) Bill (Senate Bill No. 48 of 2023) have been read a First Time and referred to various Committees for consideration and reporting to the House:

IT IS NOTIFIED that:

1. **The Basic Education (Amendment) Bill (National Assembly Bill No. 59 of 2023)** sponsored by the **Hon. Mary Wamaua, MP**, seeks to amend the Basic Education Act, No. 14 of 2013 to provide for the establishment of Sub-county Education Boards.
2. **The Environmental Management and Co-ordination (Amendment) Bill (National Assembly Bill No. 66 of 2023)** sponsored by the **Hon. Irene Nyakerario Mayaka, MP**, seeks to amend Section 147 of the Environmental Management and Co-ordination Act No. 8 of 1999 to permit the Cabinet Secretary responsible for matters relating to the environment to make regulations prohibiting the planting of eucalyptus trees along rivers, lakes, seas and wetlands. This is meant to remove the water-intensive eucalyptus trees from water catchment areas; preserve ground water and prevent the reduction of water levels.
3. **The National Government Administration Laws (Amendment) Bill (National Assembly Bill No. 73 of 2023)** sponsored by the **Leader of Majority Party, the Hon. Kimani Ichung'wah, MGH, MP**, seeks to amend provisions of the Assumption of Office of the President Act, 2012; the National Security Council Act 2012; the Office of the Attorney-General Act, 2012 and the National Government Co-ordination Act, 2013 to:
 - (a) include the Secretary to the National Security Council and the Principal Secretary responsible for Defence as members of the Assumption of Office of the President Committee and increase the nominees of the President-elect within the Committee from three to six members;
 - (b) introduce a National Security Advisor as the Secretary to the National Security Council and establish a National Security Council Committee;
 - (c) replace the Attorney-General as the custodian of the public seal with the Head of Public Service; and
 - (d) establish and delineate the functions of the Head of the Public Service and the offices of the Chief Administrative Secretary.
4. **The Land Laws (Amendment) (No.2) Bill (National Assembly Bill No. 76 of 2023)** sponsored by the **Leader of the Majority Party, the Hon. Kimani Ichung'wah, MGH, MP**, seeks to amend the Registration of Documents Act, the Land Control Act, the Land Registration Act, 2012, Community Land Act, 2016, and the Sectional Properties Act, 2020 as follows-
 - (i) **The Registration of Documents Act**
The Bill seeks to inter-alia amend the Registration of Documents Act by decentralizing land registries for registration of documents across the country and align the Registration of Documents Act to the Constitution of Kenya, 2010.
 - (ii) **The Land Control Act**
The Bill seeks to reconstitute and align Land Control Boards with the governance structure in the Constitution and enable granting consents to transact in agricultural land in accordance with Article 65 of the Constitution which allows non-citizens to own land on leasehold terms not exceeding 99 years.
 - (iii) **The Land Registration Act, 2012**
The Bill seeks to streamline the registration of long-term leases within the provisions of the Sectional Properties Act, 2020 and to widen the scope under which the Land Registrar can revoke

a title obtained through fraud.

(iv) **The Land Act, 2012**

The Bill proposes to clarify the process of allocation of public land and the respective roles played by the National and County governments. The Bill also seeks to separate the roles of renewal and extension of leases and assign them to the National Land Commission and the Cabinet Secretary responsible for matters relating to land.

(v) **The Community Land Act, 2016**

The Bill seeks to allow the Cabinet Secretary responsible for land to complete pending adjudication programmes under the Land Adjudication Act beyond the 2-year period currently permitted by the Act.

(vi) **The Sectional Properties Act, 2020**

The Bill seeks to widen the scope of the Act to include phased developments and introduce a second-tier corporation known as Umbrella Corporation to deal with management issues associated with a big or mixed-use sectional development.

5. **The National Employment Authority (Amendment) Bill (Senate Bill No. 48 of 2023)** sponsored by the **Senator Crystal Asige, MP**, seeks to amend the National Employment Authority Act to introduce provisions to protect the rights, welfare and well-being of Kenyans working overseas.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and National Assembly Standing Order 127(3) the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the respective Committees listed below:-

S/No.	BILL	COMMITTEE
1.	The Basic Education (Amendment) Bill (National Assembly Bill No. 59 of 2023)	Education
2.	The Environmental Management and Co-ordination (Amendment) Bill (National Assembly Bill No. 66 of 2023)	Environment, Forestry and Mining
3.	The National Government Administration Laws (Amendment) Bill (National Assembly Bill No. 73 of 2023)	Justice and Legal Affairs
5.	The Land Laws (Amendment) (No.2) Bill (National Assembly Bill No. 76 of 2023)	Lands
6.	The National Employment Authority (Amendment) Bill (Senate Bill No. 48 of 2023)	Committee on Labour & Committee on Diaspora Affairs and Migrant Workers

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842- 00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to cna@parliament.go.ke to be received on or before Thursday 28th December, 2023 at 5.00 p.m.

S. NJOROGE
CLERK OF THE NATIONAL ASSEMBLY
9th December, 2023

"For the Welfare of Society and the Just Government of the People"



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT- SECOND SESSION (2023)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

1. **THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 59 OF 2023);**
2. **THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 66 OF 2023);**
3. **THE NATIONAL GOVERNMENT ADMINISTRATION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 73 OF 2023);**
4. **THE LAND LAWS (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 76 OF 2023); AND**
5. **THE NATIONAL EMPLOYMENT AUTHORITY (AMENDMENT) BILL (SENATE BILL NO. 48 OF 2023)**

INVITATION TO SUBMIT MEMORANDA

WHEREAS Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS the Basic Education (Amendment) Bill (National Assembly Bill No. 59 of 2023); the Environmental Management and Co-ordination (Amendment) Bill (National Assembly Bill No. 66 of 2023); the National Government Administration Laws (Amendment) Bill (National Assembly Bill No. 73 of 2023); the Land Laws (Amendment) (No. 2) Bill (National Assembly Bill No. 76 of 2023); and the National Employment Authority (Amendment) Bill (Senate Bill No. 48 of 2023) have been read a First Time and referred to various Committees for consideration and reporting to the House;

IT IS NOTIFIED that:

1. **The Basic Education (Amendment) Bill (National Assembly Bill No. 59 of 2023)** sponsored by the **Hon. Mary Wamaua, MP**, seeks to amend the Basic Education Act, No. 14 of 2013 to provide for the establishment of Sub-county Education Boards.

2. **The Environmental Management and Co-ordination (Amendment) Bill (National Assembly Bill No. 66 of 2023)** sponsored by the **Hon. Irene Nyakerario Mayaka, MP**, seeks to amend Section 147 of the Environmental Management and Co-ordination Act No. 8 of 1998 to permit the Cabinet Secretary responsible for matters relating to the environment to make regulations prohibiting the planting of eucalyptus trees along rivers, lakes, seas and wetlands. This is meant to remove the water-intensive eucalyptus trees from water catchment areas; preserve ground water and prevent the reduction of water levels.

3. **The National Government Administration Laws (Amendment) Bill (National Assembly Bill No. 73 of 2023)** sponsored by the **Leader of Majority Party, the Hon. Kimani Ichung'wah, MGH, MP**, seeks to amend provisions of the Assumption of Office of the President Act, 2012; the National Security Council Act 2012; the Office of the Attorney-General Act, 2012 and the National Government Co-ordination Act, 2013 to-

- (a) include the Secretary to the National Security Council and the Principal Secretary responsible for Defence as members of the Assumption of Office of the President Committee and increase the nominees of the President-elect within the Committee from three to six members;
- (b) introduce a National Security Advisor as the Secretary to the National Security Council and establish a National Security Council Committee;
- (c) replace the Attorney-General as the custodian of the public seal with the Head of Public Service; and
- (d) establish and delineate the functions of the Head of the Public Service and the offices of the Chief Administrative Secretary.

4. **The Land Laws (Amendment) (No.2) Bill (National Assembly Bill No. 76 of 2023)** sponsored by the **Leader of the Majority Party, the Hon. Kimani Ichung'wah, MGH, MP**, seeks to amend the Registration of Documents Act, the Land Control Act, the Land Registration Act, 2012, Community Land Act, 2016, and the Sectional Properties Act, 2020 as follows-

- (i) **The Registration of Documents Act**
The Bill seeks to inter-alia amend the Registration of Documents Act by decentralizing land registries for registration of documents across the country and align the Registration of Documents Act to the Constitution of Kenya, 2010.
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The Bill seeks to reconstitute and align Land Control Boards with the governance structure in the Constitution and enable granting consents to transact in agricultural land in accordance with Article 65 of the Constitution which allows non-citizens to own land on leasehold terms not exceeding 99 years.
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The Bill seeks to streamline the registration of long-term leases within the provisions of the Sectional Properties Act, 2020 and to widen the scope under which the Land Registrar can revoke

a title obtained through fraud.

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The Bill proposes to clarify the process of allocation of public land and the respective roles played by the National and County governments. The Bill also seeks to separate the roles of renewal and extension of leases and assign them to the National Land Commission and the Cabinet Secretary responsible for matters relating to land.

(v) The Community Land Act, 2016

The Bill seeks to allow the Cabinet Secretary responsible for land to complete pending adjudication programmes under the Land Adjudication Act beyond the 2-year period currently permitted by the Act.

(vi) The Sectional Properties Act, 2020

The Bill seeks to widen the scope of the Act to include phased developments and introduce a second-tier corporation known as Umbrella Corporation to deal with management issues associated with a big or mixed-use sectional development.

5. **The National Employment Authority (Amendment) Bill (Senate Bill No. 48 of 2023)** sponsored by the **Senator Crystal Asige, MP**, seeks to amend the National Employment Authority Act to introduce provisions to protect the rights, welfare and well-being of Kenyans working overseas.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and National Assembly Standing Order 127(3) the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the respective Committees listed below:-

S/No.	BILL	COMMITTEE
1.	The Basic Education (Amendment) Bill (National Assembly Bill No. 59 of 2023)	Education
2.	The Environmental Management and Co-ordination (Amendment) Bill (National Assembly Bill No. 66 of 2023)	Environment, Forestry and Mining
3.	The National Government Administration Laws (Amendment) Bill (National Assembly Bill No. 73 of 2023)	Justice and Legal Affairs
5.	The Land Laws (Amendment) (No.2) Bill (National Assembly Bill No. 76 of 2023)	Lands
6.	The National Employment Authority (Amendment) Bill (Senate Bill No. 48 of 2023)	Committee on Labour & Committee on Diaspora Affairs and Migrant Workers

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842- 00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke to be received on or before **Thursday 28th December, 2023 at 5.00 p.m.**

S. NJOROGE
CLERK OF THE NATIONAL ASSEMBLY
 9th December, 2023

"For the Welfare of Society and the Just Government of the People"

ANNEX 4:

LETTER INVITING STAKEHOLDERS FOR MEETINGS WITH THE COMMITTEE



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref. NA/DDC/EDUC/2023/ (182)

19th December, 2023

Dr. Richard Belio Kipsang, CBS
Principal Secretary
State Department for Basic Education
Ministry of Education
Jogoo House, Harambee Avenue
NAIROBI

Hon. Shadrack John Mose
Solicitor General
Office of the Attorney-General and Department of Justice
Sheria House, Harambee Avenue
NAIROBI

Mr. Joash Dache
Commission Secretary/CEO
Kenya Law Reform Commission
Reinsurance Plaza, 3rd Floor
Taifa Road
NAIROBI

Ms. Christine Gakii Nkonge
Executive Director
Katiba Institute, House No. 5
The Crescent, Off Parklands Road
NAIROBI

Ms. Mary Mwiti
Chief Executive Officer
The Council of Governors
NAIROBI

Dear **D, Kipsang**

**RE: INVITATION TO SUBMIT VIEWS ON THE BASIC EDUCATION
(AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 59 OF 2023) TO
THE DEPARTMENTAL COMMITTEE ON EDUCATION**

The Departmental Committee on Education is established under National Assembly Standing Order 216 (5) (c) which amongst others, mandates amongst others to "*study and review all legislation referred to it*".

The Basic Education (Amendment) Bill (National Assembly Bill No. 59 of 2023), sponsored by Hon. Mary Wamaua, MP (*copy attached*), seeks to amend the Basic Education Act No.14 of 2013 to provide for the establishment of Sub-County Education Boards in every sub-county. The functions of the Sub-County Education Board shall include, the establishment of a data bank of all education and training institutions in the sub-county and assessment of the budgetary requirements of all education and training institutions in the sub-county and developing allocation programmes including programmes for allocation to institutional lunch programmes. The Bill was read a First Time on 6th December, 2023, and thereafter committed to the Committee for consideration and reporting to the House in line with the provisions of Standing Order 127(1).

Article 118 of the Constitution and Standing Order 127 (3) require Parliament and its Committees to facilitate public participation and involvement in the consideration of business before them. In line with these provisions, the Committee requests you to present your written submissions in a matrix format that indicates the section of the Act, specific clause, proposed amendment and justification for consideration during the review of the Bill.

The Committee further requests that you submit twenty (20) hard copies of the submissions to the Office of the Clerk, Main Parliament Buildings and a soft copy emailed to cna@parliament.go.ke and copied to the additional emails of the liaison officers provided below by Friday, 5th January, 2024 at 5.00pm.

A copy of the Bill is available from the Parliamentary website: www.parliament.go.ke/the-national-assembly/house-bills.

The liaison officers on this subject are Ms. Grace Wahu who may be contacted on Tel No. +254711591359 or by email: grace.wahu@parliament.go.ke and Ms. Rose Natecho, Tel: +254714899040 or by email: rose.natecho@parliament.go.ke.

Yours



JEREMIAH W NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Hon. Ezekiel Machogu Ombaki, CBS**
Cabinet Secretary
Ministry of Education
Jogoo House B, Harambee Avenue
NAIROBI

Hon. Justin B. N. Muturi, E.G.H
Attorney-General of the Republic of Kenya
Office of the Attorney-General and Department of Justice
Sheria house
Harambee Avenue
NAIROBI

Hon. Mary Wamaua, MP
Maragua Constituency
Parliament Buildings
NAIROBI



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

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Ref. NA/DDC/EDUC/2023/ (182)

19th December, 2023

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Ministry of Education
Jogoo House, Harambee Avenue
NAIROBI

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Solicitor General
Office of the Attorney-General and Department of Justice
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Executive Director
Katiba Institute, House No. 5
The Crescent, Off Parklands Road
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Ms. Mary Mwiti
Chief Executive Officer
The Council of Governors
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Dear **Hon Mose**

**RE: INVITATION TO SUBMIT VIEWS ON THE BASIC EDUCATION
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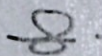
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Yours



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For: CLERK OF THE NATIONAL ASSEMBLY

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Dear **Ms Nkonge**

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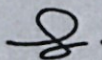
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
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