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REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY  
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THE NATIONAL ASSEMBLY

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PARLIAMENT OF KENYA LIBRARY

TWELFTH PARLIAMENT – FOURTH SESSION 2020

DEPARTMENTAL COMMITTEE ON SPORTS, CULTURE AND TOURISM

REPORT ON THE CONSIDERATION OF THE KENYA NATIONAL LIBRARY  
SERVICE BILL, 2020

DIRECTORATE OF COMMITTEE SERVICES  
CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

OCTOBER, 2020

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## **CHAIRPERSON'S FOREWORD**

This report contains the Committee's proceedings of the consideration of the Kenya National Library Service Bill, 2020 (National Assembly Bill No. 5 of 2020) which was read a First Time on 14<sup>th</sup> April, 2020 and subsequently committed to the Departmental Committee on Sports, Culture and Tourism for consideration and facilitation of public participation pursuant to Article 118 of the Constitution of Kenya and Standing Order 127.

In processing the Bill, the Committee invited comments from the public by placing advertisements in the Daily Nation and the People Daily Newspapers on 30<sup>th</sup> April, 2020 pursuant to Article 118 of the Constitution of Kenya and Standing Order 127(3). The Committee received memoranda and views from the Kenya Library & Information Professional Association and held a consultative meeting with the State Department of Culture and Heritage and Kenya National Library Service on 9<sup>th</sup> June, 2020.

In considering the Bill, the Committee noted that the Kenya National Library Service Bill, 2020 (National Assembly Bill No. 5 of 2020) seeks to give effect to the Constitution in order to promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage.

The Bill provides for the establishment of the Kenya National Library Service. It provides for the functions of the Kenya National Library Service which include acquiring, preserving and maintaining a collection of library resources, carrying out and encouraging research in the development of libraries and related services and providing a national library reference and referral service among others. The Bill repeals the Kenya National Library Service Board Act (Cap. 225). The existing Act— a statute with a commencement date of 1st April 1967— is an old piece of legislation.

The Committee observed the following during consideration of the Bill and engagement with stakeholders:-

1. The Kenya National Library Service Bill is a timely legislation that seeks to repeal the Kenya National Library Service Board Act (Cap. 225), an Act that has been in force since 1st April 1967.
2. Although there was an invitation for memoranda through newspaper advertisement, only one stakeholder submitted comments on the Bill.
3. There is need to amend clause 3(b) of the Bill by deleting the words "other libraries" and substituting therefor the words "public libraries" in order to bring clarity to the provision.
4. There is need to amend clause 6(1) (g) of the Bill which provides for four persons appointed by the Cabinet Secretary by reducing the number from four to three persons in order to make the total number of members nine instead of ten in order to align it to the Mwongozo Code of Governance.
5. There is need to amend clause 21(1) (a) to provide for monies appropriated by the National Assembly since it is the National Assembly that appropriates monies for State Corporations. Article 95 (4) (b) of the Constitution provides that the National Assembly appropriates funds for expenditure by the national government and other State organs.
6. There is need to delete clause 34 of the Bill which provides that an action or legal proceeding shall not be commenced against the Kenya National Library Service unless the complainant has served the Director-General with a written notice containing the particulars of the claim and of intention to commence such action or legal proceedings. The clause further provides that the written notice shall be served at least one month prior to the commencement of the proceedings. The clause is unconstitutional for the following reasons:

- (a) Article 22 of the Constitution provides that every person has the right to institute court proceedings claiming that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened.
  - (b) Article 23(1) of the Constitution provides that the High Court has jurisdiction, in accordance with Article 165, to hear and determine applications for redress of a denial, violation or infringement of, or threat to, a right or fundamental freedom in the Bill of Rights.
  - (c) Article 48 of the Constitution provides that the State shall ensure access to justice for all persons and, if fee is required, it shall be reasonable and shall not impede access to justice.
  - (d) Article 50 of the Constitution provides for the right to fair hearing.
7. The qualification for appointment of the Director-General of the Kenya National Library Service should not be restricted to professional librarians but should be an objective qualification criterion as provided in clause 15(2) (b) of the Bill which provides that the person shall hold a masters degree in library and information science, knowledge management, information technology, development studies, management or any related field from a university recognized in Kenya.

In light of this, the Committee has proposed amendments to the Bill in order to incorporate the submissions received from the stakeholders that the Committee agreed to.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee wishes to thank the State Department for Culture and Heritage and Kenya Library and Information Professional Association for their participation in scrutinizing the Bill.

Finally, I wish to express my appreciation to the Honorable Members of the Committee who dedicated their time and made useful contributions towards the preparation and production of this report.

On behalf of the Departmental Committee on Sports, Culture and Tourism and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Kenya National Library Service Bill, 2020 (National Assembly Bill No. 5 of 2020).



**The Hon. Patrick Makau King'ola, MP**

**Chairperson of the Departmental Committee on Sports, Culture and Tourism**

## **1.0 ESTABLISHMENT AND MANDATE OF THE COMMITTEE**

The Departmental Committee on Sports, Culture and Tourism is one of the fifteen (15) Departmental Committees of the National Assembly established under *Standing Order 216* and mandated to -

1. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
2. study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;
3. **study and review all the legislation referred to it;**
4. study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
5. investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
6. vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No.204 (Committee on appointments);
7. examine treaties, agreements and conventions;
8. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
9. consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
10. examine any questions raised by Members on a matter within its mandate.

In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider matters of; Sports, Culture, National Heritage, Betting and Lotteries, Tourism and Tourism Promotion and Management.

In executing its mandate, the Committee oversees the following government Ministries;

1. Ministry of Sports, Culture and Heritage
2. State Department for Tourism

## 1.1 COMMITTEE MEMBERSHIP

The Committee on Sports, Culture and Tourism comprises of the following Members:

**Hon. Patrick Makau King'ola, M.P – Chairperson**

Mavoko Constituency  
Wiper Democratic Party

**Hon. (Dr.) Korei Ole Lemein, M.P - Vice Chairperson**

Narok South Constituency  
Jubilee Party

Hon. Christopher Omulele, M.P  
Luanda Constituency  
Orange Democratic Movement Party

Hon. Jeremiah Lomurukai, M.P  
Loima Constituency  
Orange Democratic Movement Party

Hon. Cyprian Kubai Iringo, M.P  
Igembe Central Constituency  
Jubilee Party

Hon. Charles Ngusya Nguna, M.P  
Mwingi West Constituency  
Wiper Democratic Party

Hon. Jones Mlolwa, M.P  
Voi Constituency  
Orange Democratic Movement Party

Hon. Titus Mukhwana Khamala, M.P  
Lurambi Constituency  
Amani National Congress

Hon. Daniel Wanyama Sitati, M.P  
Webuye West Constituency  
Jubilee Party

Hon. Beatrice Kones, M.P  
Bomet East Constituency  
Jubilee Party

Hon. (Prof.) Jacqueline Oduol, M.P  
Nominated  
Orange Democratic Movement Party

Hon. Jayne Njeri Wanjiru Kihara, M.P  
Naivasha Constituency  
Jubilee Party

Hon. (Dr.) Tecla Chebet Tum, M.P  
Nandi County  
Jubilee Party

Hon. Mohamed Hire Garane, M.P  
Lagdera Constituency  
KANU Party

Hon. Jane Jepkorir Kiptoo Chebaibai, M.P  
Elgeyo Marakwet County  
Jubilee Party

Hon. Florence Chepngetich Koskey, M.P  
Kericho County  
Jubilee Party

Hon. Lydia Haika Mnene Mizighi, M.P  
Taita Taveta County  
Jubilee Party

Hon. Nelson Koech, M.P  
Belgut Constituency  
Jubilee Party

Hon. Sylvanus Maritim, M.P  
Ainamoi Constituency  
Jubilee Party

## 1.2 COMMITTEE SECRETARIAT

Mr. Samuel Kalama

**Senior Clerk Assistant**

Mr. Fredrick Otieno

**Second Clerk Assistant**

Mr. Joe Okongó

**Media Relations Officer**

Mr. Omar Abdirahim

**Research officer III**

Mr. Salem Lorot

**Legal Counsel II**

Mr. Vitus Okech

**Fiscal Analyst III**

Ms. Sheila Chebotibin

**Sergeant At-Arms**



## **2.0 CONSIDERATION OF KENYA NATIONAL LIBRARY SERVICE BILL, 2020**

### **2.1 INTRODUCTION**

1. The Kenya National Library Service Bill, 2020 (National Assembly Bill No. 5 of 2020) was published on 20<sup>th</sup> March, 2020 and read a First Time on 14<sup>th</sup> April, 2020.
2. The main object of the Bill is to give effect to the Constitution in order to promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage.
3. The Bill provides for the establishment of the Kenya National Library Service. It provides for the functions of the Kenya National Library Service which include acquiring, preserving and maintaining a collection of library resources, carrying out and encouraging research in the development of libraries and related services and providing a national library reference and referral service among others.
4. The Bill repeals the Kenya National Library Service Board Act (Cap. 225). The Act with a commencement date of 1<sup>st</sup> April 1967 is an old piece of legislation.

### **2.2 SALIENT FEATURES OF THE BILL**

5. The general overview of the Bill is as follows:  
PART I—contains the preliminary provisions.

PART II—contains provisions on establishment of the Kenya National Library Service.

PART III— contains financial provisions.

PART IV— contains administrative provisions.

PART V— contains general provisions.

6. Clause 3 of the Bill provides for the purpose of the Bill which is to preserve national documentary heritage and to distinguish the functions of the Kenya National Library Service from the other libraries.
7. Clause 4 of the Bill provides for the establishment of the Kenya National Library Service Bill.
8. Clause 5 of the Bill provides for the functions of the Kenya National Library Service. They are to:
  - (a) equip, develop, manage and maintain the Kenya National Library Service;
  - (b) acquire, preserve and maintain a collection of library resources including books produced within and outside Kenya and such other materials and sources of knowledge necessary for a comprehensive national bibliography;
  - (c) liaise with other government agencies to ensure compliance by publishers with the Books and Newspapers Act;
  - (d) carry out and encourage research in the development of libraries and related services;

- (e) promote reading for knowledge, information and enjoyment through the stimulation of public interest in books and participation in campaigns for the eradication of illiteracy
  - (f) establish and maintain a national agency for administering international standard numbers for books, serials, music and others;
  - (g) publish the Kenya National Bibliography and the Kenya Periodicals Directory;
  - (h) establish the national webcat to publish catalogues for all libraries;
  - (i) provide a national library reference and referral service;
  - (j) support the establishment of referral libraries at the regional or county levels;
  - (k) establish a center for books to promote reading, writing and publishing in local languages, traditional knowledge and culture, information and advice, advocacy, book development and easy access to books;
  - (l) provide advisory services and related support for libraries;
  - (m) set standards for the establishment and operation of libraries; and
  - (n) to perform any other function necessary for the attainment of the objectives of this Act.
9. Clause 6 of the Bill provides for the Board of Directors of the Kenya National Library Service which shall consist of—
- (a) The Chairperson, appointed by the President;
  - (b) The Principal Secretary responsible for matters relating to libraries or his or her representative;
  - (c) The Principal Secretary responsible for matters relating to finance or his representative;
  - (d) The Principal Secretary responsible for matters relating to education or his representative;
  - (e) The Principal Secretary responsible for matters relating to devolution or his representative;
  - (f) The Principal Secretary responsible for matters relating to information and telecommunications technology or his representative;
  - (g) Four other persons appointed by the Cabinet Secretary in accordance with the requirements in section 7(2);
  - (h) The Director-General, who shall be Secretary to the Board.
10. Part IV of the Bill provides for the administrative provisions. Clause 26 of the Bill provides that the operations of the Kenya National Library Service shall be in accordance with the standards set out in the Third Schedule.
11. Clause 27 of the Bill provides for the application procedures for membership. It provides that any person who or institution which wishes to become a member of the Kenya National Library Service shall make an application in the manner prescribed in the regulations.
12. Clause 29 of the Bill provides that the Kenya National Library Service shall maintain records of—
- (a) All documents whether, in soft copy in hard copy or any other format, belonging to the Kenya National Library Service;
  - (b) All persons and institutions registered as members of the Kenya National Library Service; and
  - (c) Such other particulars the Board considers necessary or desirable to be recorded.

13. Clause 30 provides that the Kenya National Library Service shall determine the fees to be paid for services it renders to its clients.
14. Clause 35 provides that a person who steals or who intentionally damages property belonging to the Kenya National Library Service may in addition to any other penalty that may be imposed, be required to make restitution of the stolen or damaged property.
15. Clause 36 provides for offences. It provides for the following as offences:
  - (a) Procuring or attempting to procure the entry of any name on the register by wilfully making or producing or causing to be made or produced, either orally or in writing, any declaration, certificate or representation which the person knows to be false or fraudulent;
  - (b) Falsely or fraudulently holding himself or herself out to be registered; or
  - (c) Stealing and destroying library material.
16. The penalty for the offences above is a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding twelve months, or to both.
17. Further, the Bill provides for the offence of without reasonable justification or other lawful excuse, obstructing or hindering, or threatening a member or staff or agent in the course of duty under this Act; submitting false or misleading information; or making false representation to, or knowingly misleading a member or staff acting under this Act. The penalty is a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.
18. Clause 38 provides for the general penalty. It provides that a person who commits an offence under the Act for which no penalty is prescribed shall on conviction be liable to a fine not exceeding one hundred thousand shilling or imprisonment for a period not exceeding twelve months, or both.

### **3.0 SUBMISSIONS FROM MINISTRIES/STATE DEPARTMENTS AND STAKEHOLDERS**

19. Following the call for memoranda from the public as contained in an advert in the Daily Nation and People Daily newspapers on 30<sup>th</sup> April, 2020 the Committee received memoranda from two entities being the state Department for Culture and Heritage and the Kenya Library & Information Professional Association. All their proposals were deliberated on and considered by the Committee. Below are the views of the stakeholder and the Committee's recommendations on each proposal.
20. The Committee is required, pursuant to Standing Order 127(3), to facilitate public participation on the Bill through an appropriate mechanism including-
  - (a) inviting submission of memoranda;
  - (b) holding public hearings;
  - (c) consulting relevant stakeholders in the sector;
  - (d) consulting experts on technical subjects.
21. The requirement for the Committee to conduct public participation on the Bill is a constitutional imperative flowing from Article 118 of the Constitution which provides that Parliament shall-

- (a) *conduct its business in an open manner, and its sittings and those of its committees shall be open to the public; and*
- (b) *facilitate public participation and involvement in the legislative and other business of Parliament and its committees.*

**3.1 SUBMISSION FROM THE STATE DEPARTMENT FOR CULTURE AND HERITAGE**

- 22. The Committee invited the State Department for Culture and Heritage and the Kenya National Library Service for a meeting on 9<sup>th</sup> June, 2020 to give their comments on the Bill.
- 23. The Principal Secretary informed the Committee that the Bill seek to preserve the national documentary heritage, and distinguish the functions of the Kenya National Library from the other libraries. The main object of the Bill is to give effect to the Constitution in order to promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage.
- 24. The current Act, Kenya National Library Services Board Act (Cap 225) was enacted in 1965 and a lot has since changed necessitating the need to overhaul the Act to align it to the Constitution.
- 25. Over the years, Kenya National Library Service has played a dual role, concurrently managing a national Library and the public library system. The Fourth Schedule to the Constitution transfers the public library function to the Counties whereas the National Library functions remains at the National level.
- 26. Advancement in technology necessitates a shift in the conduct of business. The proposed Bill seeks to establish a national virtual library service and the national webcat to publish catalogues for all branches.
- 27. Most libraries fall within public libraries and hence the need to transfer them to the County Governments and leave the Kenya National Library to handle the functions assigned to it through the proposed Bill.

**3.2 SUBMISSION FROM THE KENYA LIBRARY & INFORMATION PROFESSIONAL ASSOCIATION**

- 28. The Committee received one memorandum from the Kenya Library & Information Professional Association. Below is their submission with the Committee’s recommendation on each proposed amendment.

CLAUSE	PROPOSED AMENDMENT	RATIONALE	COMMITTEE RECOMMENDATION
Title of the Bill	Amend to read:  The National Library of Kenya  (NLK)	Based on the International Nomenclature.  By practice, the National Library is not	The Committee rejected the proposed amendment.

	Amend by a global replacement of “Kenya National Library”  with “The National Library of Kenya”	a service, hence the proposal to amend by deleting or omitting the word “service”.	Clause 4 of the Bill establishes the Kenya National Library Service, hence the title of the Bill.  Further, the proposed amendment does not make much difference except to necessitate amendments which are not substantive. The National Library is a service.
Long title of the Bill	Amend the title to read as italicized  AN ACT of Parliament to establish the National Library of Kenya, to provide for the management of the <i>National Library of Kenya</i> and for connected purposes.	Based on the International Nomenclature.  By practice, the National Library is not a service, hence the proposal to amend by deleting or omitting the word “service”.	The Committee rejected the proposed amendment.  Clause 4 of the Bill provides for the establishment of the Kenya National Library Service. Therefore, the long title provides for this.
Short title	Amend the title to read as italicized  This Act may be cited as the <i>National Library of Kenya Act, 2020</i>	Based on the International Nomenclature.  By practice, the National Library is not a service, hence the proposal to amend by deleting or omitting the word “service”.	The Committee rejected the proposed amendment.  The Short title is traced to the title of the Bill which the Committee finds applicable and in no need of amendment. The same rationale for the rejection of the proposed amendment to the title of the Bill also applies.
Clause 2	Amend the title to read as italicized  “Director-General”  means the Director-General of the <i>National Library of Kenya</i> appointed in accordance with section 15;		The Committee rejected the proposed amendment.  The Bill refers to the Director-General of the Kenya National Library Service. The corporate entity proposed to be established is the Kenya National Library Service.
	Amend by replacing the existing interpretations and adding the proposed ones.  “Information resources” means processed and synthesized data and information available both in print and digital formats and	Replace with this concise interpretation. The proposed definition was too general and inaccurate	The Committee rejected the proposed amendment of the definition “information resources”.

	are accessible to the consumers.		The definition in the Bill is broader and the intention was to make it so and not restricted as proposed.
	<p>“National Library” means established and funded by the national government with a designation ‘national’ to serve the needs of the government, and is a library of record for the nation’s publishing output, a central agency for bibliographic development and a repository of national documentary heritage of Kenya.</p>	This amendment defines the national library. The proposed definition was listing its functions.	<p>The Committee rejected the proposed deletion and replacement of the definition “National Library Service”.</p> <p>The definition in the Bill does not list functions as claimed but is a succinct definition.</p>
	<p>Amend by adding the listed interpretations:</p> <p>“Board” means the Board of the National Library of Kenya.</p> <p>“Develop” means to develop regional centres for collection of indigenous knowledge for National Library of Kenya.</p> <p>“Documentary heritage” means all published documents emanating from Kenya or outside or related to Kenya.</p> <p>“Document” means any object which is intended to convey information in textual, graphic, visual, auditory or other intelligible format through any medium and any version or edition.</p> <p>“Information resources” means data and information used by any organization that</p>	These additional interpretations are comprehensively used in the Bill.	<p>The Committee rejected the proposed amendments.</p> <p>The definition “Board” is provided in clause 2 as the Board of the Kenya National Library Service.</p> <p>The proposed definition “develop” does not serve meaningful purpose unless it was to clarify or assign the term a special meaning.</p> <p>There are two proposed definitions of “information resources”, hence there was need to propose only one.</p> <p>As a general rule, definitions provided in clause 2 are generally on terms as used in the Bill and if there is a need to define them. Not all terms need to be defined.</p>

	<p>can be found in both print and digital formats.</p> <p>“Electronic resources” (or e-resources) are materials in digital format accessible by use of hardware and software that makes it accessed electronically.</p>		
Clause 3	<p>Amend by deleting (a) (b) and by replacing with:</p> <p>The purpose of the National Library is to collect, preserve, foster and bestow the treasures of knowledge, heritage and culture in general, with an emphasis on the people of Kenya, the land of Kenya and the State of Kenya.</p>	<p>The amendment is more concise and comprehensive.</p>	<p>The Committee rejected the proposed amendment.</p> <p>Clause 3 of the Bill provides for the purpose of the Bill or Act (when enacted) in a concise manner separated in paragraphs. The proposed amendment seeks to merge the purposes into one but omits the aspect of distinguishing the functions of the Kenya National Library Service from the other libraries.</p> <p>Separately, the Committee observed that the words “other libraries” need to be replaced with “public libraries”.</p>
Clause 4	<p>Amend the title to read as italicized</p> <p>There is established a National Library to be known as “<i>The National Library of Kenya</i>”</p>	<p>Based on the International Nomenclature.</p> <p>By practice, the National Library is not a service, hence the proposal to amend by deleting or omitting the word “service”.</p>	<p>The Committee rejected the proposed amendment.</p> <p>The proposed amendment does not make much difference except to necessitate amendments which are not substantive.</p>
Clause 5	<p>Amend by replacing all functions with these listed functions below:</p> <p>To collect, preserve and cultivate the treasures of knowledge, heritage and culture of Kenya, including the expansion and enhancement of the Library’s collections;</p>	<p>The proposed functions are more concise as compared to the previous that were more of a list of activities NOT functions.</p>	<p>The Committee rejected the proposed amendments.</p> <p>Clause 5 of the Bill provides for the functions of the Kenya Library Service Bill. Contrary to the stakeholder’s claim, clause 5 of the Bill lists the functions of the Service and not activities. Further, the proposed deletion and</p>

	<p>To serve as a home for the collections, archives, manuscripts, documents, maps, music and other audio treasures, graphic creations, audiovisual creations and electronic documents, as well as other items of unique national, historic or cultural significance;</p> <p>To allow the public, in Kenya and elsewhere, proper and reasonable access to the Library's collections through various channels, including advanced technological means;</p> <p>To serve as Kenya's central research library in its areas of expertise, in accordance with its objectives, as well as serving as the university research library in the Humanities fields, especially Kenya's cultural Studies;</p> <p>To display permanent and changing exhibitions of collections to the public, including borrowed collection</p>		<p>replacement of the functions omits other functions provided for.</p>
<p>Clause 6</p>	<p>Amend the following to read:</p> <p>(1) The management of the National Library of Kenya shall vest in the Board of Directors of the National Library of Kenya which shall constitute of Nine (9); members who shall consist of-</p> <p>(g) Amend to read: Four other persons appointed by the Cabinet Secretary and TWO (female and Male)</p>	<p>Representation of the professional body on the board is critical when dealing with professional and technical matters of the Board.</p>	<p>The Committee rejected the proposed amendment because Clause 6 (1) (g) of the Bill provides that the four persons shall be appointed by the Cabinet Secretary in accordance with the requirements in clause 7 (2) which provides for the qualifications for appointment.</p> <p>Separately, the Committee recommended that the four persons appointed under clause 6(1) (g) should be reduced to three.</p>



	who shall be nominated and recommended to the Cabinet Secretary by the Kenya Library Association, being the professional body of Librarians in Kenya.		
Clause 15	<p>Amend by deleting 2 (b) and (c) and replace with:</p> <p>(b) The person shall be a distinguished professional librarian as certified by Kenya Library Association (KLA) and well versed with National and International Networks.</p> <p>(c) Has distinguished library service of at least Seven years at management level and holds a masters degree from a university recognized in Kenya.</p>	<p>The professional body is well versed with greater knowledge of all possible candidates in Kenya drawn from its active membership.</p> <p>The person shall be certified as a professional in good standing by the professional and meet the minimum educational qualifications as well to entrusted with a position of leadership at this level.</p>	<p>The Committee rejected the proposed amendment.</p> <p>Clause 15(2)(b) of the Bill provides for the qualification for appointment of the Director-General. It provides that the person shall hold a masters degree in library and information science, knowledge management, information technology, development studies, management or any related field from a university recognized in Kenya. Replacement of this provision with being a distinguished professional librarian as certified by Kenya Library Association does not provide an objective qualification criterion. Further, under paragraph (c), the experience is professional which is broader than library service as proposed.</p>
Clause 16	Amend by deleting clause 16	<p>This position can be procured on need basis. The responsibilities listed under this position shall be vested under the authority of Director-General who shall be Ex-officio and Secretary to the Board. The Director-General may assign such responsibilities to a senior staff of the Board.</p>	<p>The Committee rejected the proposed amendment. The Mwongozo Code of Governance recommends that State Corporations should have corporation secretaries.</p>
Clause 22	Delete clause 22	The National Library of Kenya is funded by public funds.	The Committee rejected the proposed amendment.

		Rather, such surplus funds may be deposited to an endowment fund to be used for the objects of the Board.	Clause 22 provides for investment of funds which would assist the Service to sustain its functions.
Clause 27	Amend by deleting this clause and replace it with “collaborations and partnerships” to exchange information that would be added to the National repository.	The National Library of Kenya is a legal deposit recipient. It shall not charge fees for its services, rather, by mutual exchanges and sharing of documents.  The Board is obligated to make its national repository accessible to the public and to the state.	The Committee rejected the proposed deletion of clause 27.  Clause 27(1) of the Bill provides for application for membership of the Kenya National Library Service. Clause 27(2) of the Bill provides that the Kenya National Library Service shall determine the registration and subscription fees chargeable to individuals and institutions which shall be set out in the regulations. The fees charged are intended to sustain the operations of the Service.
Clause 33	Delete clause 33	Management of public libraries is not within the domain of the National Library.	The Committee rejected the proposed amendment. The clause does not seek to impose the management of public libraries on the Kenya National Library Service. Rather, it seeks to provide for a framework if a County Government seeks to partner with the Kenya National Library Service. The same logic to be found in Article 187 of the Constitution on the transfer of functions and powers between levels of government would apply here.
Clause 34	Delete clause 34	The clause is superfluous	The Committee agreed to the proposed deletion.  The provision impedes a person’s right to institute a suit without obstacles.  The clause is unconstitutional for the following reasons:  (a) Article 22 of the Constitution provides that every person has the right

			<p>to institute court proceedings claiming that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened.</p> <p>(b) Article 23(1) of the Constitution provides that the High Court has jurisdiction, in accordance with Article 165, to hear and determine applications for redress of a denial, violation or infringement of, or threat to, a right or fundamental freedom in the Bill of Rights.</p> <p>(c) Article 48 of the Constitution provides that the State shall ensure access to justice for all persons and, if fee is required, it shall be reasonable and shall not impede access to justice.</p> <p>(d) Article 50 of the Constitution provides for the right to fair hearing.</p>
Clause 39	Delete clause 39	<p>The primary purpose of Cap 225 of 1965 was and remains the provision of public library services in Kenya.</p> <p>The proposed National Library seeks to establish the functions of the national library of Kenya. Therefore, the proposed Bill cannot repeal a legal framework that is not within its domain.</p>	<p>The Committee rejected the proposed deletion.</p> <p>The Bill borrows, with necessary changes, the legal framework in the existing Kenya National Library Service Board Act. However, it needs to be repealed to avoid having two regimes addressing the same matter.</p>

Clause 40	Delete clause 40	<p>The National Library of Kenya should be treated as a new Board.</p> <p>The Cap 225 of 1965 is primarily about the Public Library Services.</p> <p>The National Library Division of Cap 225 was introduced as a subsidiary division to cater for the needs of a national library. A subsidiary function, cannot replace or cause to cease a principal function: the provision of Public Library Services.</p>	<p>The Committee rejected the proposed deletion of the clause.</p> <p>The savings and transitional provisions are important in order to address issues of assets and liabilities, staff, legal proceedings, among others, of the Kenya National Library Service Board.</p>
Memorandum of Objects and Reasons	Amend by factoring and reflecting all the proposed amendments.	To make the memorandum in tandem with the amended Bill.	<p>The Committee rejected the proposed amendment.</p> <p>The memorandum of objects and reasons is not part of a Bill.</p>

#### **4.0 COMMITTEE OBSERVATIONS**

The Committee observed the following during public participation and engagement with various stakeholders:

1. The Kenya National Library Service Bill is a timely legislation that seeks to repeal the Kenya National Library Service Board Act (Cap. 225), an Act that has been in force since 1st April 1967.
2. Although there was an invitation for memoranda through newspaper advertisement, only one stakeholder submitted comments on the Bill.
3. There is need to amend clause 3(b) of the Bill by deleting the words “other libraries” and substituting therefor the words “public libraries” in order to bring clarity to the provision.
4. There is need to amend clause 6(1) (g) of the Bill which provides for four persons appointed by the Cabinet Secretary by reducing the number from four to three persons in order to make the total number of members nine instead of ten in order to align it to the Mwongozo Code of Governance.
5. There is need to amend clause 21(1) (a) to provide for monies appropriated by the National Assembly since it is the National Assembly that appropriates monies for State Corporations. Article 95 (4) (b) of the Constitution provides that the National Assembly appropriates funds for expenditure by the national government and other State organs.
6. There is need to delete clause 34 of the Bill which provides that an action or legal proceeding shall not be commenced against the Kenya National Library Service unless the complainant has served the Director-General with a written notice containing the particulars of the claim and of intention to commence such action or legal proceedings. The clause further provides that the written notice shall be served at least one month prior to the commencement of the proceedings. The clause is unconstitutional for the following reasons:
  - (a) Article 22 of the Constitution provides that every person has the right to institute court proceedings claiming that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened.
  - (b) Article 23(1) of the Constitution provides that the High Court has jurisdiction, in accordance with Article 165, to hear and determine applications for redress of a denial, violation or infringement of, or threat to, a right or fundamental freedom in the Bill of Rights.
  - (c) Article 48 of the Constitution provides that the State shall ensure access to justice for all persons and, if fee is required, it shall be reasonable and shall not impede access to justice.
  - (d) Article 50 of the Constitution provides for the right to fair hearing.
7. The qualification for appointment of the Director-General of the Kenya National Library Service should not be restricted to professional librarians but should be an objective qualification criterion as provided in clause 15(2) (b) of the Bill which provides that the person shall hold a masters degree in library and information science, knowledge management, information technology, development studies, management or any related field from a university recognized in Kenya.

#### **5.0 COMMITTEE STAGE AMENDMENTS**

Having considered the memoranda on each of the Clauses, the Committee wishes to propose the following amendments:

### **CLAUSE 3**

**THAT**, clause 3 of the Bill be amended in paragraph (b) by deleting the words “other libraries” and substituting therefor the words “public libraries”.

#### ***Justification:***

**The amendment seeks to bring clarity to the provision. A public library has been defined in clause 2 of the Bill to mean a library established, maintained and managed by a county, non-governmental organization, community or private person which is open to members of the public.**

### **CLAUSE 6**

**THAT**, clause 6 of the Bill be amended in clause (1) (g) by deleting the word “four” appearing at the beginning of the paragraph and substituting therefor the word “three”.

#### ***Justification:***

**The members of the Board proposed in the Bill are ten instead of between seven and nine as required under the Mwongozo Code of Governance. The amendment seeks to reduce the number to nine.**

### **CLAUSE 21**

**THAT**, clause 21 of the Bill be amended in subclause (1) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) monies appropriated by the National Assembly;”

#### ***Justification:***

**National Assembly that appropriates monies for State Corporations. Article 95 (4) (b) of the Constitution provides that the National Assembly appropriates funds for expenditure by the national government and other State organs.**

### **CLAUSE 34**

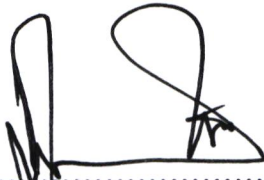
**THAT**, clause 34 of the Bill be deleted.

#### ***Justification:***

**The clause is unconstitutional for the following reasons:**

- (a) Article 22 of the Constitution provides that every person has the right to institute court proceedings claiming that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened.**
- (b) Article 23(1) of the Constitution provides that the High Court has jurisdiction, in accordance with Article 165, to hear and determine applications for redress of a denial, violation or infringement of, or threat to, a right or fundamental freedom in the Bill of Rights.**

- (c) Article 48 of the Constitution provides that the State shall ensure access to justice for all persons and, if fee is required, it shall be reasonable and shall not impede access to justice.
- (d) Article 50 of the Constitution provides for the right to fair hearing.

SIGNED: .....  ..... DATE: 13/10/2020 .....



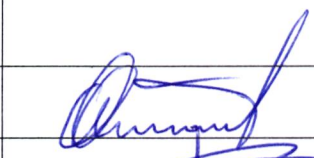


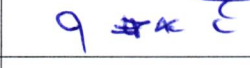
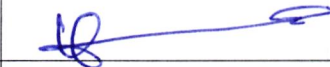
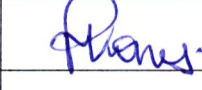
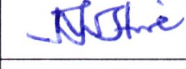


**THE HON. PATRICK MAKAU KINGÓLA, MP**

**CHAIRPERSON**

**DEPARTMENTAL COMMITTEE ON SPORTS, CULTURE AND TOURISM**

**DEPARTMENTAL COMMITTEE ON SPORTS, CULTURE AND TOURISM  
ADOPTION OF THE REPORT ON CONSIDERATION OF THE KENYA NATIONAL LIBRARY  
SERVICE BILL, 2020**

We, the undersigned Honorable Members of the Departmental Committee on Sports, Culture and Tourism, today 1<sup>st</sup> October, 2020 do hereby affix our signatures to this **Report on the Consideration of the Kenya National Library Service Bill, 2020** to affirm our approval and confirm its accuracy, validity and authenticity: -

1.	The Hon. Patrick Makau Kingóla, MP. – <b>Chairperson</b>	
2.	The Hon. (Dr.) Korei Ole Lemein, MP. – <b>Vice-Chairperson</b>	
3.	The Hon. Christopher Omulele, MP.	
4.	The Hon. Cyprian Kubai Iringo, MP.	
5.	The Hon. Jones Mlolwa, MP.	
6.	The Hon. Daniel Wanyama Sitati, MP.	
7.	The Hon. (Prof.) Jacqueline Oduol, MP.	
8.	The Hon. (Dr.) Tecla Chebet Tum, MP.	
9.	The Hon. Jane Jepkorir Chebaibai, MP.	
10.	The Hon. Lydia Haika Mizighi, MP.	
11.	The Hon. Sylvanus Maritim, MP.	
12.	The Hon. Jeremiah Lomurukai, MP.	
13.	The Hon. Charles Ngusya Nguna, MP.	
14.	The Hon. Titus Mukhwana Khamala, MP.	
15.	The Hon. Beatrice Kones, MP.	
16.	The Hon. Jayne Nyeri Wanjiru Kihara, MP.	
17.	The Hon. Mohamed Hire Garane, MP.	
18.	The Hon. Florence Chepngetich Koskey, MP.	
19.	The Hon. Nelson Koech, MP.	



**REPUBLIC OF KENYA**

**Twelfth Parliament**



**Fourth Session**

**THE NATIONAL ASSEMBLY**

**TWELFTH PARLIAMENT – (FOURTH SESSION)**

**MINUTES OF THE 29<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON  
SPORTS, CULTURE AND TOURISM HELD ON FRIDAY 2<sup>ND</sup> OCTOBER, 2020 IN  
DODORI HALL, PRIDEINN HOTEL, MOMBASA 10:30 AM**

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**PRESENT**

- |   |   |                         |
|---|---|-------------------------|
| 1. The Hon. Patrick Makau King'ola, MP.       | - | <b>Chairperson</b>      |
| 2. The Hon. (Dr.) Korei Ole Lemein, MP.       | - | <b>Vice Chairperson</b> |
| 3. The Hon. Kubai Iringo, MP.                 |   |                         |
| 4. The Hon. Jones Mlolwa, MP.                 |   |                         |
| 5. The Hon. Daniel Wanyama Sitati, MP.        |   |                         |
| 6. The Hon. (Prof.) Jacqueline Oduol, MP.     |   |                         |
| 7. The Hon. Jeremiah Lomorukai, MP.           |   |                         |
| 8. The Hon. Charles Ngusya Nguna, MP.         |   |                         |
| 9. The Hon. Beatrice Kones, MP.               |   |                         |
| 10. The Hon. Mohamed Hire Garane, MP.         |   |                         |
| 11. The Hon. Florence Chepngetich Koskey, MP. |   |                         |
| 12. The Hon. Nelson Koech, MP.                |   |                         |

**APOLOGY**

1. The Hon. Christopher Omulele, MP.
2. The Hon. (Dr.) Tecla Chebet Tum, MP.
3. The Hon. Jane Jepkorir Kiptoo Chebaibai, MP.
4. The Hon. Sylvanus Maritim, MP.
5. The Hon. Lydia Haika Mnene Mizighi, MP.
6. The Hon. Titus Mukhwana Khamala, MP.
7. The Hon. Jayne Nyeri Wanjiru Kihara, MP.

**IN-ATTENDANCE -NATIONAL ASSEMBLY**

**THE SECRETARIAT**

- |                        |   |                        |
|------------------------|---|------------------------|
| 1. Mr. Samuel Kalama   | - | Senior Clerk Assistant |
| 2. Mr. Fredrick Otieno | - | Second Clerk Assistant |

- |                         |   |                          |
|-------------------------|---|--------------------------|
| 3. Mr. Salem Lorot      | - | Legal Counsel II         |
| 4. Mr. Abdirahim Omar   | - | Fiscal Analyst           |
| 5. Mr. Boniface Mushila | - | Sergeant At-Arms Officer |

**MIN.NO.NA/SCT/2020/109: PRELIMINARIES & ADOPTION OF AGENDA**

The Chairperson called the meeting to order at half past ten O'clock and said a prayer. The agenda of the meeting was adopted as hereunder after being proposed and seconded by the Hon. Kubai Iringo, MP. and the Hon. Jeremiah Lomurukai, MP. respectively.

**Agenda:**

1. Prayers
2. Introductions/preliminaries
3. Communication from the Chair
4. Confirmation of Previous Minutes
5. Matters arising
6. Pending Petition(s): None
7. Questions: None
8. **Agenda:**
  - i. **Consideration and adoption of the report on consideration of the Kenya National Library Service Bill, 2020**
  - ii. **Consideration and adoption of the report on Inquiry into the Status of Stadiums in the Country.**
9. Any Other Business
10. Adjournment & Date for the Next Sitting

**MIN.NO.NA/SCT/2020/110: - CONSIDERATION AND ADOPTION OF THE REPORT ON CONSIDERATION OF THE KENYA NATIONAL LIBRARY SERVICE BILL, 2020**

The Committee considered and unanimously adopted the report with the following observations and Committee Stage amendments after being proposed by the Hon. (Dr.) Korei Ole Lemein, MP. and seconded by the Hon. Florence Chepngetich Koskey, MP.:

**Observations:**

**THAT;**

1. The Kenya National Library Service Bill is a timely legislation that seeks to repeal the Kenya National Library Service Board Act (Cap. 225), an Act that has been in force since 1st April 1967.
2. Although there was an invitation for memoranda through newspaper advertisement, only one stakeholder submitted comments on the Bill.
3. There is need to amend clause 3(b) of the Bill by deleting the words "other libraries" and substituting therefor the words "public libraries" in order to bring clarity to the provision.
4. There is need to amend clause 6(1) (g) of the Bill which provides for four persons appointed by the Cabinet Secretary by reducing the number from four to three persons in order to make the total number of members nine instead of ten in order to align it to the Mwongozo Code of Governance.

5. There is need to amend clause 21(1) (a) to provide for monies appropriated by the National Assembly since it is the National Assembly that appropriates monies for State Corporations. Article 95 (4) (b) of the Constitution provides that the National Assembly appropriates funds for expenditure by the national government and other State organs.
6. There is need to delete clause 34 of the Bill which provides that an action or legal proceeding shall not be commenced against the Kenya National Library Service unless the complainant has served the Director-General with a written notice containing the particulars of the claim and of intention to commence such action or legal proceedings. The clause further provides that the written notice shall be served at least one month prior to the commencement of the proceedings. The clause is unconstitutional for the following reasons:
  - (a) Article 22 of the Constitution provides that every person has the right to institute court proceedings claiming that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened.
  - (b) Article 23(1) of the Constitution provides that the High Court has jurisdiction, in accordance with Article 165, to hear and determine applications for redress of a denial, violation or infringement of, or threat to, a right or fundamental freedom in the Bill of Rights.
  - (c) Article 48 of the Constitution provides that the State shall ensure access to justice for all persons and, if fee is required, it shall be reasonable and shall not impede access to justice.
  - (d) Article 50 of the Constitution provides for the right to fair hearing.
7. The qualification for appointment of the Director-General of the Kenya National Library Service should not be restricted to professional librarians but should be an objective qualification criterion as provided in clause 15(2) (b) of the Bill which provides that the person shall hold a masters degree in library and information science, knowledge management, information technology, development studies, management or any related field from a university recognized in Kenya.

### **Committee Stage Amendments**

**THAT;**

#### **CLAUSE 3**

**THAT**, clause 3 of the Bill be amended in paragraph (b) by deleting the words “other libraries” and substituting therefor the words “public libraries”.

#### ***Justification:***

**The amendment seeks to bring clarity to the provision. A public library has been defined in clause 2 of the Bill to mean a library established, maintained and managed by a county, non-governmental organization, community or private person which is open to members of the public.**

## **CLAUSE 6**

**THAT**, clause 6 of the Bill be amended in clause (1) (g) by deleting the word “four” appearing at the beginning of the paragraph and substituting therefor the word “three”.

### ***Justification:***

**The members of the Board proposed in the Bill are ten instead of between seven and nine as required under the Mwongozo Code of Governance. The amendment seeks to reduce the number to nine.**

## **CLAUSE 21**

**THAT**, clause 21 of the Bill be amended in subclause (1) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) monies appropriated by the National Assembly;”

### ***Justification:***

**National Assembly that appropriates monies for State Corporations. Article 95 (4) (b) of the Constitution provides that the National Assembly appropriates funds for expenditure by the national government and other State organs.**

## **CLAUSE 34**

**THAT**, clause 34 of the Bill be deleted.

### ***Justification:***

**The clause is unconstitutional for the following reasons:**

- (a) Article 22 of the Constitution provides that every person has the right to institute court proceedings claiming that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened.**
- (b) Article 23(1) of the Constitution provides that the High Court has jurisdiction, in accordance with Article 165, to hear and determine applications for redress of a denial, violation or infringement of, or threat to, a right or fundamental freedom in the Bill of Rights.**
- (c) Article 48 of the Constitution provides that the State shall ensure access to justice for all persons and, if fee is required, it shall be reasonable and shall not impede access to justice.**
- (d) Article 50 of the Constitution provides for the right to fair hearing.**

**MIN.NO.NA/SCT/2020/111: - CONSIDERATION AND ADOPTION OF THE REPORT ON AN INQUIRY INTO THE STATUS OF STADIUMS IN THE COUNTRY**

The Committee considered and unanimously adopted the report with the following observations and recommendations after being proposed by the Hon. Charles Ngusya Nguna, MP. and seconded by the Hon. Jeremiah Lomurukai, MP.:

**Observations**

**THAT;**

- i. Most of the companies awarded the contracts for the construction of the stadia lack the requisite capacities in terms of finances and equipment to enable them deliver the projects on time;
- ii. The estimated cost of the projects is Kshs. 4.4 billion and the amount paid to date is Kshs. 2.6 billion translating to 59% of the estimate. However, the works delivered is estimated to be 49.5%. This is likely to occasion a variation in order for the projects to be completed.
- iii. The Committee further observed that there is inconsistency between the work delivered by the contractors and the payment made to them. For instance;
  - a) The contractor for Karatu Stadium has been paid Kshs. 102,180,205.97 which is 39.36% of the contract sum which is Kshs. 259,604,780.00 but has only delivered 25% of the work.
  - b) At Wote Stadium, the contractor has been paid Kshs. 113,875,098.42 which is 38% of the contract sum of Kshs. 299,309,554 but has only delivered approximately 25% of the work.
  - c) Marsabit Stadium, the contractor has been paid Kshs. 125,998,585.67 which is 42.68% of the contract sum of Kshs. 295,236,215 however, there is a discrepancy between the overall completion status of 45% as indicated by Sports Kenya and what is on the ground.
  - d) Ruringu Stadium, the contractor has been paid Kshs. 84,389,884.08 which is 29.3% of the contract sum of Kshs. 288,045,530 however, there is a big discrepancy between the overall completion status of 40% as stated by Sports Kenya and what is on the ground.
  - e) In Kamariny Stadium, the contractor has been paid Kshs. 81,590,104.86 which is 28.35% of the contract sum of Kshs. 287,837,775. The amount which has been paid does not translate to the total work done the ground.
  - f) Kinoru Stadium, the contractor has been paid Kshs. Ksh 740,883,085.42 which is 85.25% of the contract sum of Kshs. 869,121,216.80. The Committee further noted that the National Government through the Ministry of Defence and Foreign Relations and the County Government of Meru played a role in the construction of the stadium which Sports Kenya needed to provide the details.
- iv. Sports Kenya ignored personnel from the State Department of Public Works. In the contrary they engaged private consultants who did not demonstrate competency in their work. Some of the stadia lack critical components such as drainage systems;
- v. The County Governments where most of these stadia are being constructed fulfilled most of the work they were required to undertake.

- vi. Nyayo National Stadium was completed and was reopened for use on 26<sup>th</sup> September, 2020. However, the all-round canopy has not been constructed.
- vii. There were low exchequer releases at the initial stages of the projects leading to contractors suspending works on sites;
- viii. It was noted with concern that most of the contractors undertaking works are behind schedule which may lead to delay in the completion of the projects and further variations;

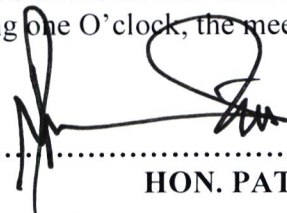
**Recommendations**

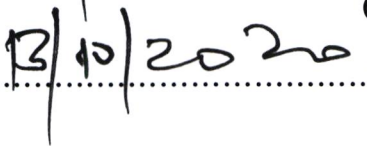
**THAT;**

- i. The Auditor General should undertake a value for money audit with a view to assessing the status of the projects vis-à-vis the amount incurred on the projects in order to ascertain whether there is value for money.
- ii. The Ethics and Anti-corruption Commission and Directorate of Criminal Investigations should undertake thorough investigations on the award and execution of the contracts with a view to ascertain whether due diligence was undertaken in the process of awarding and execution of the contracts by Sports Kenya and the accounting officer State Department of Sports who authorized payments.
- iii. The Committee further recommends that any public officer found to have violated the public Procurement and Asset Disposal Act, 2015 and the Public Finance Management Act, 2012 should be prosecuted in accordance with the relevant laws.
- iv. The State Department for Sports should expedite the timely completion of these projects by ensuring the projects are funded adequately. Indeed, the department should not initiate any new projects until the department delivers on the ongoing projects.
- v. The Committee further recommends the termination of the contracts of the private consultants who were found to lack the requisite skills to competently supervise the projects and instead engage the Public Works Department for the supervision of the remaining aspects of the projects.

**MIN.NO.NA/SCT/2020/112: ADJOURNMENT AND DATE OF NEXT MEETING**

The time being one O'clock, the meeting was adjourned.

Signed.....  
  
**HON. PATRICK MAKAU KINGÓLA, M.P**  
**(CHAIRPERSON)**

Date.....  


**REPUBLIC OF KENYA**

**Twelfth Parliament**



**Fourth Session**

**THE NATIONAL ASSEMBLY**

**TWELFTH PARLIAMENT – (FOURTH SESSION)**

**MINUTES OF THE 25<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON SPORTS, CULTURE AND TOURISM HELD ON WEDNESDAY 9<sup>TH</sup> SEPTEMBER, 2020 IN THE BOARDROOM ON 5<sup>TH</sup> FLOOR CONTINENTAL HOUSE, PARLIAMENT BUILDING, AT 10:30 AM**

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**PRESENT**

1. The Hon. Patrick Makau Kingóla, MP. - **Chairperson**
2. The Hon. (Dr.) Korei Ole Lemein, MP. - **Vice Chairperson**
3. The Hon. Kubai Iringo, MP.
4. The Hon. Christopher Omulele, MP.
5. The Hon. Daniel Wanyama Sitati, MP.
6. The Hon. (Prof.) Jacqueline Oduol, MP.
7. The Hon. Jeremiah Lomorukai, MP.
8. The Hon. Charles Ngusya Nguna, MP.
9. The Hon. Beatrice Kones, MP.
10. The Hon. Mohamed Hire Garane, MP.
11. The Hon. Florence Chepngetich Koskey, MP.
12. The Hon. Lydia Haika Mnene Mizighi, MP.
13. The Hon. (Dr.) Tecla Chebet Tum, MP.

**APOLOGY**

1. The Hon. Jones Mlolwa, MP.
2. The Hon. Jane Jepkorir Kiptoo Chebaibai, MP.
3. The Hon. Sylvanus Maritim, MP.
4. The Hon. Titus Mukhwana Khamala, MP.
5. The Hon. Jayne Nyeri Wanjiru Kihara, MP.
6. The Hon. Nelson Koech, MP.

**IN-ATTENDANCE -NATIONAL ASSEMBLY**

## THE SECRETARIAT

- |                        |   |                        |
|------------------------|---|------------------------|
| 1. Mr. Samuel Kalama   | - | Senior Clerk Assistant |
| 2. Mr. Fredrick Otieno | - | Second Clerk Assistant |
| 3. Mr. Salem Lorot     | - | Legal Counsel II       |
| 4. Mr. Abdirahim Omar  | - | Fiscal Analyst         |

### MIN.NO.NA/SCT/2020/106: PRELIMINARIES & ADOPTION OF AGENDA

The Chairperson called the meeting to order at quarter to three O'clock and said a prayer. The agenda of the meeting was adopted as hereunder after being proposed and seconded by the Hon. Charles Ngusya Nguna, MP and the Hon. Beatrice Kones, MP respectively.

#### Agenda:

1. Prayers
2. Introductions/preliminaries
3. Communication from the Chair
4. Confirmation of Previous Minutes
5. Matters arising
6. Pending Petition(s): None
7. Questions: None
8. **Agenda:**  
**Consideration of proposed amendments to the report on the Kenya National Library Service Bill, 2020**
9. Any Other Business
10. Adjournment & Date for the Next Sitting

### MIN.NO.NA/SCT/2020/107: -CONSIDERATION OF PROPOSED AMENDMENTS TO THE KENYA NATIONAL LIBRARY SERVICE BILL, 2020

The Committee considered the memorandum from the Kenya Library & Information Professional Association. Below is their submission with the Committee's recommendation on each proposed amendment.

CLAUSE	PROPOSED AMENDMENT	RATIONALE	COMMITTEE RECOMMENDATION
Title of the Bill	Amend to read: The National Library of Kenya (NLK) Amend by a global replacement of "Kenya National Library"	Based on the International Nomenclature.  By practice, the National Library is not a service, hence the proposal to amend by deleting or omitting the word "service".	The Committee rejected the proposed amendment.  Clause 4 of the Bill establishes the Kenya National Library Service, hence the title of the Bill.  Further, the proposed amendment does not make much difference except to necessitate amendments



	with “The National Library of Kenya”		which are not substantive. The National Library is a service.
Long title of the Bill	Amend the title to read as italicized  AN ACT of Parliament to establish the National Library of Kenya, to provide for the management of the <i>National Library of Kenya</i> and for connected purposes.	Based on the International Nomenclature.  By practice, the National Library is not a service, hence the proposal to amend by deleting or omitting the word “service”.	The Committee rejected the proposed amendment.  Clause 4 of the Bill provides for the establishment of the Kenya National Library Service. Therefore, the long title provides for this.
Short title	Amend the title to read as italicized  This Act may be cited as the <i>National Library of Kenya Act, 2020</i>	Based on the International Nomenclature.  By practice, the National Library is not a service, hence the proposal to amend by deleting or omitting the word “service”.	The Committee rejected the proposed amendment.  The Short title is traced to the title of the Bill which the Committee finds applicable and in no need of amendment. The same rationale for the rejection of the proposed amendment to the title of the Bill also applies.
Clause 2	Amend the title to read as italicized  “Director-General”  means the Director-General of the <i>National Library of Kenya</i> appointed in accordance with section 15;		The Committee rejected the proposed amendment.  The Bill refers to the Director-General of the Kenya National Library Service. The corporate entity proposed to be established is the Kenya National Library Service.
	Amend by replacing the existing interpretations and adding the proposed ones.  “Information resources” means processed and synthesized data and information available both in print and digital formats and are accessible to the consumers.	Replace with this concise interpretation. The proposed definition was too general and inaccurate	The Committee rejected the proposed amendment of the definition “information resources”.  The definition in the Bill is broader and the intention was to make it so and not restricted as proposed.

	<p>“National Library” means established and funded by the national government with a designation ‘national’ to serve the needs of the government, and is a library of record for the nation’s publishing output, a central agency for bibliographic development and a repository of national documentary heritage of Kenya.</p>	<p>This amendment defines the national library. The proposed definition was listing its functions.</p>	<p>The Committee rejected the proposed deletion and replacement of the definition “National Library Service”.</p> <p>The definition in the Bill does not list functions as claimed but is a succinct definition.</p>
	<p>Amend by adding the listed interpretations:</p> <p>“Board” means the Board of the National Library of Kenya.</p> <p>“Develop” means to develop regional centres for collection of indigenous knowledge for National Library of Kenya.</p> <p>“Documentary heritage” means all published documents emanating from Kenya or outside or related to Kenya.</p> <p>“Document” means any object which is intended to convey information in textual, graphic, visual, auditory or other intelligible format through any medium and any version or edition.</p> <p>“Information resources” means data and information used by any organization that can be found in both print and digital formats.</p>	<p>These additional interpretations are comprehensively used in the Bill.</p>	<p>The Committee rejected the proposed amendments.</p> <p>The definition “Board” is provided in clause 2 as the Board of the Kenya National Library Service.</p> <p>The proposed definition “develop” does not serve meaningful purpose unless it was to clarify or assign the term a special meaning.</p> <p>There are two proposed definitions of “information resources”, hence there was need to propose only one.</p> <p>As a general rule, definitions provided in clause 2 are generally on terms as used in the Bill and if there is a need to define them. Not all terms need to be defined.</p>

	<p>“Electronic resources” (or e-resources) are materials in digital format accessible by use of hardware and software that makes it accessed electronically.</p>		
Clause 3	<p>Amend by deleting (a) (b) and by replacing with:</p> <p>The purpose of the National Library is to collect, preserve, foster and bestow the treasures of knowledge, heritage and culture in general, with an emphasis on the people of Kenya, the land of Kenya and the State of Kenya.</p>	<p>The amendment is more concise and comprehensive.</p>	<p>The Committee rejected the proposed amendment.</p> <p>Clause 3 of the Bill provides for the purpose of the Bill or Act (when enacted) in a concise manner separated in paragraphs. The proposed amendment seeks to merge the purposes into one but omits the aspect of distinguishing the functions of the Kenya National Library Service from the other libraries.</p> <p>Separately, the Committee observed that the words “other libraries” need to be replaced with “public libraries”.</p>
Clause 4	<p>Amend the title to read as italicized</p> <p>There is established a National Library to be known as “<i>The National Library of Kenya</i>”</p>	<p>Based on the International Nomenclature.</p> <p>By practice, the National Library is not a service, hence the proposal to amend by deleting or omitting the word “service”.</p>	<p>The Committee rejected the proposed amendment.</p> <p>The proposed amendment does not make much difference except to necessitate amendments which are not substantive.</p>
Clause 5	<p>Amend by replacing all functions with these listed functions below:</p> <p>To collect, preserve and cultivate the treasures of knowledge, heritage and culture of Kenya, including the expansion and</p>	<p>The proposed functions are more concise as compared to the previous that were more of a list of activities NOT functions.</p>	<p>The Committee rejected the proposed amendments.</p> <p>Clause 5 of the Bill provides for the functions of the Kenya Library Service Bill. Contrary to the stakeholder’s claim, clause 5 of the Bill lists the functions of the Service and not activities. Further,</p>

	<p>enhancement of the Library's collections;</p> <p>To serve as a home for the collections, archives, manuscripts, documents, maps, music and other audio treasures, graphic creations, audiovisual creations and electronic documents, as well as other items of unique national, historic or cultural significance;</p> <p>To allow the public, in Kenya and elsewhere, proper and reasonable access to the Library's collections through various channels, including advanced technological means;</p> <p>To serve as Kenya's central research library in its areas of expertise, in accordance with its objectives, as well as serving as the university research library in the Humanities fields, especially Kenya's cultural Studies;</p> <p>To display permanent and changing exhibitions of collections to the public, including borrowed collection</p>		<p>the proposed deletion and replacement of the functions omits other functions provided for.</p>
<p>Clause 6</p>	<p>Amend the following to read:</p> <p>(1) The management of the National Library of Kenya shall vest in the Board of Directors of the National Library of Kenya which shall constitute of Nine (9);</p>	<p>Representation of the professional body on the board is critical when dealing with professional and technical matters of the Board.</p>	<p>The Committee rejected the proposed amendment because Clause 6 (1) (g) of the Bill provides that the four persons shall be appointed by the Cabinet Secretary in accordance with the requirements in clause 7 (2) which</p>

	<p>members who shall consist of-</p> <p>(g) Amend to read: Four other persons appointed by the Cabinet Secretary and TWO (female and Male) who shall be nominated and recommended to the Cabinet Secretary by the Kenya Library Association, being the professional body of Librarians in Kenya.</p>		<p>provides for the qualifications for appointment.</p> <p>Separately, the Committee recommended that the four persons appointed under clause 6(1) (g) should be reduced to three.</p>
Clause 15	<p>Amend by deleting 2 (b) and (c) and replace with:</p> <p>(b) The person shall be a distinguished professional librarian as certified by Kenya Library Association (KLA) and well versed with National and International Networks.</p> <p>(c) Has distinguished library service of at least Seven years at management level and holds a masters degree from a university recognized in Kenya.</p>	<p>The professional body is well versed with greater knowledge of all possible candidates in Kenya drawn from its active membership.</p> <p>The person shall be certified as a professional in good standing by the professional and meet the minimum educational qualifications as well to entrusted with a position of leadership at this level.</p>	<p>The Committee rejected the proposed amendment.</p> <p>Clause 15(2)(b) of the Bill provides for the qualification for appointment of the Director-General. It provides that the person shall hold a masters degree in library and information science, knowledge management, information technology, development studies, management or any related field from a university recognized in Kenya. Replacement of this provision with being a distinguished professional librarian as certified by Kenya Library Association does not provide an objective qualification criterion. Further, under paragraph (c), the experience is professional which is broader than library service as proposed.</p>
Clause 16	Amend by deleting clause 16	<p>This position can be procured on need basis. The responsibilities listed under this position shall be vested under the authority of Director-General who shall be Ex-officio and</p>	<p>The Committee rejected the proposed amendment. The Mwongozo Code of Governance recommends that State Corporations should have corporation secretaries.</p>

		Secretary to the Board. The Director-General may assign such responsibilities to a senior staff of the Board.	
Clause 22	Delete clause 22	The National Library of Kenya is funded by public funds.  Rather, such surplus funds may be deposited to an endowment fund to be used for the objects of the Board.	The Committee rejected the proposed amendment.  Clause 22 provides for investment of funds which would assist the Service to sustain its functions.
Clause 27	Amend by deleting this clause and replace it with “collaborations and partnerships” to exchange information that would be added to the National repository.	The National Library of Kenya is a legal deposit recipient. It shall not charge fees for its services, rather, by mutual exchanges and sharing of documents.  The Board is obligated to make its national repository accessible to the public and to the state.	The Committee rejected the proposed deletion of clause 27.  Clause 27(1) of the Bill provides for application for membership of the Kenya National Library Service. Clause 27(2) of the Bill provides that the Kenya National Library Service shall determine the registration and subscription fees chargeable to individuals and institutions which shall be set out in the regulations. The fees charged are intended to sustain the operations of the Service.
Clause 33	Delete clause 33	Management of public libraries is not within the domain of the National Library.	The Committee rejected the proposed amendment. The clause does not seek to impose the management of public libraries on the Kenya National Library Service. Rather, it seeks to provide for a framework if a County Government seeks to partner with the Kenya National Library Service. The same logic to be found in Article 187 of the Constitution on the transfer of functions and powers between

			levels of government would apply here.
Clause 34	Delete clause 34	The clause is superfluous	<p>The Committee agreed to the proposed deletion.</p> <p>The provision impedes a person's right to institute a suit without obstacles.</p> <p>The clause is unconstitutional for the following reasons:</p> <ul style="list-style-type: none"> <li>(a) Article 22 of the Constitution provides that every person has the right to institute court proceedings claiming that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened.</li> <li>(b) Article 23(1) of the Constitution provides that the High Court has jurisdiction, in accordance with Article 165, to hear and determine applications for redress of a denial, violation or infringement of, or threat to, a right or fundamental freedom in the Bill of Rights.</li> <li>(c) Article 48 of the Constitution provides that the State shall ensure access to justice for all persons and, if fee is required, it shall be reasonable and shall not impede access to justice.</li> </ul>

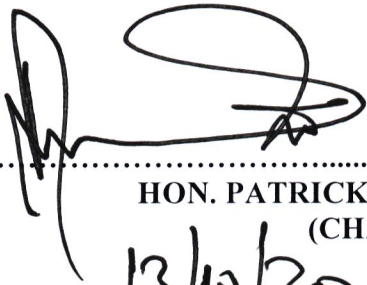
			(d) Article 50 of the Constitution provides for the right to fair hearing.
Clause 39	Delete clause 39	<p>The primary purpose of Cap 225 of 1965 was and remains the provision of public library services in Kenya.</p> <p>The proposed National Library seeks to establish the functions of the national library of Kenya. Therefore, the proposed Bill cannot repeal a legal framework that is not within its domain.</p>	<p>The Committee rejected the proposed deletion.</p> <p>The Bill borrows, with necessary changes, the legal framework in the existing Kenya National Library Service Board Act. However, it needs to be repealed to avoid having two regimes addressing the same matter.</p>
Clause 40	Delete clause 40	<p>The National Library of Kenya should be treated as a new Board.</p> <p>The Cap 225 of 1965 is primarily about the Public Library Services.</p> <p>The National Library Division of Cap 225 was introduced as a subsidiary division to cater for the needs of a national library. A subsidiary function, cannot replace or cause to cease a principal function: the provision of Public Library Services.</p>	<p>The Committee rejected the proposed deletion of the clause.</p> <p>The savings and transitional provisions are important in order to address issues of assets and liabilities, staff, legal proceedings, among others, of the Kenya National Library Service Board.</p>
Memorandum of	Amend by factoring and reflecting all the proposed amendments.	To make the memorandum in	The Committee rejected the proposed amendment.



Objects and Reasons		tandem with the amended Bill.	The memorandum of objects and reasons is not part of a Bill.
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**MIN.NO.NA/SCT/2020/108: ADJOURNMENT AND DATE OF NEXT MEETING**

The time being twenty five minutes past four O'clock, the meeting was adjourned. The date of the next meeting shall be communicated to members.

Signed.....  
  
**HON. PATRICK MAKAU KINGÓLA, M.P**  
**(CHAIRPERSON)**

Date.....  
 13/10/2020

**REPUBLIC OF KENYA**

**Twelfth Parliament**



**Fourth Session**

**THE NATIONAL ASSEMBLY**

**TWELFTH PARLIAMENT – (FOURTH SESSION)**

**MINUTES OF THE 19<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON  
SPORTS, CULTURE AND TOURISM HELD ON WEDNESDAY 10<sup>TH</sup> JUNE, 2020 IN  
THE BOARDROOM ON 2<sup>ND</sup> FLOOR, CONTINENTAL HOUSE AT 14:40 PM**

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**PRESENT**

1. The Hon. (Dr.) Korei Ole Lemein, MP. - Vice Chairperson
2. The Hon. Christopher Omulele, MP.
3. The Hon. Kubai Iringo, MP.
4. The Hon. Jones Mlolwa, MP.
5. The Hon. Daniel Wanyama Sitati, MP.
6. The Hon. Benard Masaka Shinali, MP.
7. The Hon. (Prof.) Jacqueline Oduol, MP.
8. The Hon. Jane Jepkorir Kiptoo Chebaibai, MP.
9. The Hon. Annie Wanjiku Kibeh MP.
10. The Hon. George Risa Sunkuyia, MP.
11. The Hon. Titus Mukhwana Khamala, MP.
12. The Hon. Charles Ngusya Nguna, MP.
13. The Hon. Charles Kamuren, MP.
14. The Hon. (Dr.) Tecla Chebet Tum, MP.
15. The Hon. Sylvanus Maritim, MP.

**APOLOGY**

1. The Hon. (Dr.) Victor Kioko Munyaka, MP. - Chairperson
2. The Hon. Dr. Christine Ombaka, MP.
3. The Hon. Lydia Haika Mnene Mizighi, MP.
4. The Hon. Jeremiah Lomorukai, MP.

**IN-ATTENDANCE -NATIONAL ASSEMBLY  
THE SECRETARIAT**

1. Mr. Samuel Kalama - Senior Clerk Assistant
2. Mr. Salem Lorot - Legal Counsel II
3. Ms. Jane Serem - Audio Officer
4. Mr. John Kiragu - Sergeant At-Arms Officer

#### **STATE DEPARTMENT FOR, CULTURE AND HERITAGE**

1. Ms. Josephta O. Mukobe - Principal Secretary
2. Mr. Jack Wafula - AG. CE, Kenya National Library Services
3. Ms. Christine Mangwana - Legal Officer

#### **MIN.NO.NA/SCT/2020/078: PRELIMINARIES & ADOPTION OF AGENDA**

16. The Vice Chairperson called the meeting to order at twenty minutes to three O'clock and said a prayer. Thereafter, everyone in attendance introduced themselves. He further conveyed the apologies of the Chairperson. The agenda of the meeting was adopted as hereunder after being proposed and seconded by the Hon. ((Dr.) Tecla Chebet Tum, MP. and the Hon. Hon. Jones Mlolwa, MP. respectively.

#### **Agenda:**

1. Prayers
2. Introductions/preliminaries
3. Communication from the Chair
4. Confirmation of Previous Minutes
5. Matters arising
6. Pending Petition(s): None
7. Questions: None
8. **Meeting with the Principal Secretary for the State Department of Culture & Heritage to Consider the Kenya National Library Service Bill, 2020**
9. Any Other Business
10. Adjournment & Date for the Next Sitting

#### **MIN.NO.NA/SCT/2020/079: - MEETING WITH THE PRINCIPAL SECRETARY FOR THE STATE DEPARTMENT OF CULTURE & HERITAGE TO CONSIDER THE KENYA NATIONAL LIBRARY SERVICE BILL, 2020**

The Vice Chairperson invited the Principal Secretary to brief the Committee on the Kenya National Service Bill, 2020. The principal Secretary informed the Committee that the Bill seek to preserve the national documentary heritage, and distinguish the functions of the Kenya National Library from the other libraries. The main object of the Bill is to give effect to the Constitution in order to promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage.

The current Act, Kenya National Library Services Board Act (Cap 225) was enacted in 1965 and a lot has since changed necessitating the need to overhaul the Act to align it to the Constitution.

Over the years, Kenya National Library Service has played a dual role, concurrently managing a national Library and the public library system. The Fourth Schedule to the Constitution transfers the public library function to the Counties whereas the National Library functions remains at the National level.

She further informed the Committee that advancement in technology necessitates a shift in the conduct of business. The proposed Bill seeks to establish a national virtual library service and the national webcat to publish catalogues for all branches.

She then invited the Ag. Chief Executive Officer of the Kenya National Library Services, who gave an overview of the Bill. He emphasised that most libraries falls within public libraries and hence the need to transfer them to the County Governments and leave the Kenya National Library to handle the functions assigned to it through the proposed Bill.

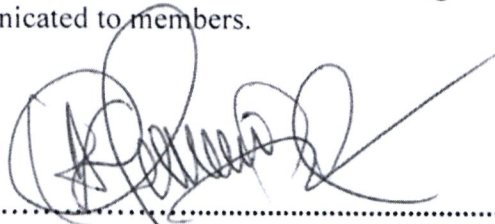
### **MIN.NO.NA/SCT/2020/080: COMMITTEE OBSERVATIONS**

The Committee made the following observations, that;

1. The composition of the Board under clause 6 will have ten members which is an even number and is contrary to the current established practice of having membership of boards with an odd number. The Committee also observed that even for Board members negates the Mwongozo Guidelines on composition of Boards for Parastatals. It was further observed that all members other than the four members to be appointed under Clause 6 (1) (g) are from the National Government and there is no representation from the County Government. However, the principal Secretary informed the Committee that the Principal Secretary for Devolution would serve to provide the link to the County Governments.
2. In the proposed Bill, there is no clear distinction in terms of the functions of the Kenya National library and public libraries. It was noted that the Fourth Schedule to the Constitution assigns the function of libraries to the County Governments. In as much as there is need to have a national library, the same has to be established within the province of the law.
3. The qualifications for the appointment of the Director General of the Kenya National Library Services under Clause 15 of the Bill are to general. The Principal Secretary informed the Committee that initially the qualification for the appointment of the Director General was restricted to someone with qualification in Library and ICT but, they were directed to include other academic fields since the position of the Director General is more of a managerial function.
4. The Committee observed the three (3) National libraries and the fifty-nine (59) Public libraries in the country are not adequate to serve the needs of the people and therefore there is need for more libraries/outlets to be established.
5. There is no clear role of the Board set out in the Bill. Ordinarily a Board of an institution needs to perform the role of policy formulation.

**MIN.NO.NA/SCT/2020/081: ADJOURNMENT AND DATE OF NEXT MEETING**

The time being five minutes past Four O'clock, the meeting was adjourned. The date of the next meeting shall be communicated to members.



Signed.....

**HON. (DR.) LEMEIN KOREI, M.P  
(VICE CHAIRPERSON)**

Date.....

29.06.2020

**REPUBLIC OF KENYA**

**Twelfth Parliament**

**Fourth Session**



**THE NATIONAL ASSEMBLY**

**TWELFTH PARLIAMENT – (FOURTH SESSION)**

**MINUTES OF THE 16<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON SPORTS, CULTURE AND TOURISM HELD ON TUESDAY 26<sup>TH</sup> MAY, 2020 IN THE COMMITTEE ROOM 5, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10:40 AM**

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**PRESENT**

1. The Hon. (Dr.) Victor Kioko Munyaka, MP. - **Chairperson**
2. The Hon. Dr. Christine Ombaka, MP.
3. The Hon. Kubai Iringo, MP.
4. The Hon. Christopher Omulele, MP.
5. The Hon. (Prof.) Jacqueline Oduol, MP.
6. The Hon. Sylvanus Maritim, MP.
7. The Hon. Annie Wanjiku Kibeh MP.
8. The Hon. Charles Kamuren, MP.
9. The Hon. George Risa Sunkuyia, MP.

**APOLOGY**

1. The Hon. (Dr.) Korei Ole Lemein, MP. - **Vice Chairperson**
2. The Hon. Jones Mlolwa, MP.
3. The Hon. Daniel Wanyama Sitati, MP.
4. The Hon. Benard Masaka Shinali, MP.
5. The Hon. (Dr.) Tecla Chebet Tum, MP.
6. The Hon. Jane Jepkorir Kiptoo Chebaibai, MP.
7. The Hon. Jeremiah Lomorukai, MP.
8. The Hon. Titus Mukhwana Khamala, MP.
9. The Hon. Lydia Haika Mnene Mizighi, MP.
10. The Hon. Charles Ngusya Nguna, MP.

**IN-ATTENDANCE -NATIONAL ASSEMBLY**

## **THE SECRETARIAT**

- |                          |   |                          |
|--------------------------|---|--------------------------|
| 1. Mr. Samuel Kalama     | - | Senior Clerk Assistant   |
| 2. Mr. Fredrick Otieno   | - | Second Clerk Assistant   |
| 3. Ms. Sheila Chebotibin | - | Sergeant At-Arms Officer |
| 4. Mr. John Kiragu       | - | Sergeant At-Arms Officer |

## **MIN.NO.NA/SCT/2020/064: PRELIMINARIES & ADOPTION OF AGENDA**

The Chairperson called the meeting to order at twenty minutes to Eleven O'clock and said a prayer. The agenda of the meeting was adopted as hereunder after being proposed and seconded by the Hon. (Prof.) Jacqueline Oduol, MP and the Hon. Sylvanus Maritim, MP respectively.

### **Agenda:**

1. Prayers
2. Introductions/preliminaries
3. Communication from the Chair
4. Confirmation of Previous Minutes
5. Matters arising
6. Pending Petition(s): None
7. Questions: None
8. **Consideration of the Kenya National Library Service Bill (National Assembly Bill No. 5 of 2020)**
9. Any Other Business
10. Adjournment & Date for the Next Sitting

## **MIN.NO.NA/SCT/2020/065: -CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS**

Minutes of the previous sittings were confirmed as follows:-

1. Minutes of the 11<sup>th</sup> sitting held on Tuesday 17<sup>th</sup> March, 2020 were confirmed as a true record of the proceedings having been proposed and Seconded by the Hon. Hon. Sylvanus Maritim, MP, and the Hon. Kubai Iringo, MP respectively.
2. Minutes of the 12<sup>th</sup> sitting held on Thursday 17<sup>th</sup> May, 2020 were confirmed as a true record of the proceedings having been proposed and Seconded by the Hon.(Prof.) Jacqueline Oduol, MP and the Hon. Annie Kibeh, MP respectively.
3. Minutes of the 13<sup>th</sup> sitting held on Tuesday 12<sup>th</sup> May, 2020 were confirmed as a true record of the proceedings having been proposed and Seconded by the Hon. Kubai Iringo, MP and the Hon. Annie Kibeh, MP respectively.
4. Minutes of the 14<sup>th</sup> sitting held on Tuesday 12<sup>th</sup> May, 2020 were confirmed as a true record of the proceedings having been proposed and Seconded by the Hon. Annie Kibeh, MP and the Hon. Kubai Iringo, MP respectively.

- Minutes of the 15<sup>th</sup> sitting held on Tuesday 19<sup>th</sup> May, 2020 were confirmed as a true record of the proceedings having been proposed and Seconded by the Hon. (Prof.) Jacqueline Oduol, MP and the Hon. Sylvanus Maritim, MP respectively.

**MIN.NO.NA/SCT/2020/066: - CONSIDERATION OF THE KENYA NATIONAL LIBRARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 5 OF 2020)**

The Chairperson invited the legal Counsel to brief members on the Bill. The Legal Counsel thereupon briefed the Committee as follows:

- The Kenya National Library Service Bill, 2020 (National Assembly Bill No. 5 of 2020) was published on 20<sup>th</sup> March, 2020 and read a First Time on 14<sup>th</sup> April, 2020.
- The main object of the Bill is to give effect to the Constitution in order to promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage.
- The Bill provides for the establishment of the Kenya National Library Service. It provides for the functions of the Kenya National Library Service which include acquiring, preserving and maintaining a collection of library resources, carrying out and encouraging research in the development of libraries and related services and providing a national library reference and referral service among others.
- The Bill repeals the Kenya National Library Service Board Act (Cap. 225). The Act with a commencement date of 1<sup>st</sup> April 1967 is an old piece of legislation. It contains only 11 provisions and is not comprehensive.
- Section 3 of the Act establishes the Kenya National Library Service Board.
- Section 4 of the Act provides for the functions of the Board as follows—
  - to promote, establish, equip, manage, maintain and develop libraries in Kenya as a National Library Service;
  - to plan and co-ordinate library, documentation and related services in Kenya;
  - to advise the Government, local authorities and other public bodies on all matters relating to library, documentation and related services;
  - to provide facilities for the study of, and for training in the principles, procedures and techniques of librarianship and such other related subjects as the Board may from time to time decide;



- (e) to advise the Government on library education and training needs for library, documentation and related services;
- (f) to sponsor, arrange or provide facilities for conferences and seminars for discussion of matters in connection with library and related services;
- (g) to carry out and to encourage research in the development of library and related services;
- (h) to participate and assist in campaigns for the eradication of illiteracy;
- (i) to stimulate public interest in books and to promote reading for knowledge, information and enjoyment;
- (j) to acquire books produced in and outside Kenya and such other materials and sources of knowledge necessary for a comprehensive national library;
- (k) to publish the national bibliography of Kenya and to provide a bibliographical and references service.

7. The general overview of the Bill is as follows:

**PART I**—contains the preliminary provisions.

**PART II**—contains provisions on establishment of the Kenya National Library Service.

**PART III**— contains financial provisions.

**PART IV**— contains administrative provisions.

**PART V**— contains general provisions.

8. Clause 3 of the Bill provides for the purpose of the Bill which is to preserve national documentary heritage and to distinguish the functions of the Kenya National Library Service from the other libraries.

9. Clause 4 of the Bill provides for the establishment of the Kenya National Library Service Bill.

10. Clause 5 of the Bill provides for the functions of the Kenya National Library Service. They are to:

- (a) Equip, develop, manage and maintain the Kenya National Library Service;
- (b) Acquire, preserve and maintain a collection of library resources including books produced within and outside Kenya and such other materials and sources of knowledge necessary for a comprehensive national bibliography;
- (c) Liaise with other government agencies to ensure compliance by publishers with the Books and Newspapers Act;

- (d) Carry out and encourage research in the development of libraries and related services;
- (e) Promote reading for knowledge, information and enjoyment through the stimulation of public interest in books and participation in campaigns for the eradication of illiteracy
- (f) Establish and maintain a national agency for administering international standard numbers for books, serials, music and others;
- (g) Publish the Kenya National Bibliography and the Kenya Periodicals Directory;
- (h) Establish the national webcat to publish catalogues for all libraries;
- (i) Provide a national library reference and referral service;
- (j) Support the establishment of referral libraries at the regional or county levels;
- (k) Establish a center for books to promote reading, writing and publishing in local languages, traditional knowledge and culture, information and advice, advocacy, book development and easy access to books;
- (l) Provide advisory services and related support for libraries;
- (m) Set standards for the establishment and operation of libraries; and
- (n) To perform any other function necessary for the attainment of the objectives of this Act.

11. Clause 6 of the Bill provides for the Board of Directors of the Kenya National Library Service which shall consist of—

- (a) The Chairperson, appointed by the President;
- (b) The Principal Secretary responsible for matters relating to libraries or his or her representative;
- (c) The Principal Secretary responsible for matters relating to finance or his representative;
- (d) The Principal Secretary responsible for matters relating to education or his representative;
- (e) The Principal Secretary responsible for matters relating to devolution or his representative;
- (f) The Principal Secretary responsible for matters relating to information and telecommunications technology or his representative;
- (g) Four other persons appointed by the Cabinet Secretary in accordance with the requirements in section 7(2);
- (h) The Director-General, who shall be Secretary to the Board.

12. Part IV of the Bill provides for the administrative provisions. Clause 26 of the Bill provides that the operations of the Kenya National Library Service shall be in accordance with the standards set out in the Third Schedule.

13. Clause 27 of the Bill provides for the application procedures for membership. It provides that any person who or institution which wishes to become a member of the Kenya National Library Service shall make an application in the manner prescribed in the regulations.
14. Clause 29 of the Bill provides that the Kenya National Library Service shall maintain records of—
  - (a) All documents whether, in soft copy in hard copy or any other format, belonging to the Kenya National Library Service;
  - (b) All persons and institutions registered as members of the Kenya National Library Service; and
  - (c) Such other particulars the Board considers necessary or desirable to be recorded.
15. Clause 30 provides that the Kenya National Library Service shall determine the fees to be paid for services it renders to its clients.
16. Clause 35 provides that a person who steals or who intentionally damages property belonging to the Kenya National Library Service may in addition to any other penalty that may be imposed, be required to make restitution of the stolen or damaged property.
17. Clause 36 provides for offences. It provides for the following as offences:
  - (a) Procuring or attempting to procure the entry of any name on the register by wilfully making or producing or causing to be made or produced, either orally or in writing, any declaration, certificate or representation which the person knows to be false or fraudulent;
  - (b) Falsely or fraudulently holding himself or herself out to be registered; or
  - (c) Stealing and destroying library material.
18. The penalty for the offences above is a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding twelve months, or to both.
19. Further, the Bill provides for the offence of without reasonable justification or other lawful excuse, obstructing or hindering, or threatening a member or staff or agent in the course of duty under this Act; submitting false or misleading information; or making false representation to, or knowingly misleading a member or staff acting under this Act. The penalty is a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.
20. Clause 38 provides for the general penalty. It provides that a person who commits an offence under the Act for which no penalty is prescribed shall on conviction be liable to a

fine not exceeding one hundred thousand shilling or imprisonment for a period not exceeding twelve months, or both.

Following the brief by the Legal Counsel, the Committee made the following observations:-

**Clause 6** Composition of the Board of the Kenya National Library Service

- i. The Principal Secretary responsible for matters of Devolution or his representative would add much needed value to the Board but a representative from the Council of Governors would be more beneficial to the Board. The Committee further observed that, a Principal Secretary responsible for Youth Affairs was not part of the Board and yet matters touching on Library involve youth.
- ii. As proposed in the Bill, the Board will have a total of ten board members. This is an even number and might bring confusion in case of a tie during voting. It is also against the practice of having an odd number for members of any board.

In the foregoing, the Committee resolved to interrogate the above clause with a view to proposing appropriate amendments to the Clause. Further the Committee agreed to look at the Bill with a view to enrich the Bill.

It was noted by the Committee that by the closure of the Deadline, Thursday, 7<sup>th</sup> May, 2020, on the submission of memoranda or views on the Bill, the Committee did and has not received any submissions from the public neither from the stakeholders. In this regard the Committee resolved to carry out stakeholders mapping and invite all the key stakeholders that might enrich the Bill. The Committee agreed to first meet with the Principal Secretary for Culture and Heritage on Thursday, 4<sup>th</sup> June, 2020.

**MIN.NO.NA/SCT/2020/067: ADJOURNMENT AND DATE OF NEXT MEETING**

There being no other business, the meeting was adjourned at five minutes to noon. The next meeting will be held on Thursday 28<sup>th</sup> May, 2020 at 10:00am.

Signed.....

HON. (DR.) VICTOR MUNYAKA, M.P  
(CHAIRPERSON)

Date..... 28/05/2020

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Dec 2 SPORTS  
KALAMIA

# Floods death toll hits 116 as three more drown in Bomet

CS Wamalwa says 116 people have died so far and more than 100,000 families displaced across the country

by Noah Cheptoen, Felix Yegon and Wangari Njuguna  
@PeopleDailyKe

Three more people have drowned in Bomet bringing the death toll by floods and landslides in the area to 28. This comes as Devolution Cabinet Secretary Eugene Wamalwa said 116 people have died so far and more than 100,000 families displaced across the country with Rift Valley, Nyanza and Tana River bearing the brunt of the calamity. Rift Valley Regional Commissioner George Natembeya yesterday described the flood situation in the region as dire as the number of people affected keeps rising. "The situation is bad but we hope the rains are going to subside next week as forecast by the meteorological department," he said, adding that West Pokot, Elgeyo Marakwet, Kericho and Narok are worst affected. The official said two people were killed by floods in Kipkelion, Kericho county while two children suffered a similar fate

in Ololung'a in Narok county. "We had a landslide in Aldai (Nandi) but fortunately no life was lost. Two villages are marooned by water in Trans Mara," he added.

"We are still pleading with people living in flood and landslide-prone areas to move to higher areas," said Natembeya. He said the Government was still monitoring the situation in West Pokot and Elgeyo Marakwet counties where more than 70 people have perished in landslides in the last seven months.

The worst incident occurred last November when 53 people died after massive landslides hit Nyarkulian and Parua villages in West Pokot. The landslides which were triggered by hours of heavy rains also cut off a section of the Kitale-Lodwar road near Ortum.

Natembeya told the *People Daily* on phone that an administration police officer who had been rescued from Chesogon landslide succumbed to injuries in hospital. "Six people had been admitted in hospital. A university girl is the only one remaining in hospital," he said.

Residents said more than 20 people are still missing after the April 18 tragedy. At the same time, Bomet County Commissioner Geoffrey Omoding said three people died in separate incidents in the last five days.

Yesterday, speaking during the Co-



Excavators dig trenches at Mugutha village in Juja, Kiambu county. Residents are racing against time to clear waterways. PD/ MATHWU NDUNGU

vid-19 daily briefing, Wamalwa said 24 counties had been affected by floods but assured Kenyans that the State had put in place mitigation measures.

"Last year, we started with drought in the early part of the year, then we had floods beginning September and towards the end of the year we had locusts. Indeed our nation is a resilient one but our resilience has been tested in the last one year, said Wamalwa.

He said over 40,000 bags of rice and other food and non-food items have been dispatched to the counties affected. "The families affected need our support..." he said. Hundreds of animals have been killed and property worth millions of shillings destroyed.

He urged counties to ensure that guidelines issued by Ministry of Health such as social distancing are observed even in the temporary camps where displaced families have sought refuge.

### Displaced families

More than 1,800 families displaced by floods in Garissa county after river Tana burst its banks three days ago have started receiving food rations.

In the Bomet deaths, the three people died while trying to cross—separately—the swollen Kagasik, Sisei and Kipsonoi rivers in Sotik and Chepalungu.

Speaking when he flagged off maize flour to be distributed to 2,700 vulnerable people from across the county, Omoding said the most affected sub-counties were Sotik and Chepalungu where floods have destroyed crops and houses.

The relief food valued at Sh5,000,000 was

### MEASURES IN PLACE

● **Mitigation:** Devolution Cabinet Secretary Eugene Wamalwa said 24 counties affected by floods but assured Kenyans that the government has put in place mitigation measures.

● **Relief food:** He said over 40,000 bags of rice and other food and non-food items have been dispatched to the counties affected.

donated by National Government Affirmative Action Funds (NGAAF) through Bomet Woman Rep Joyce Korir.

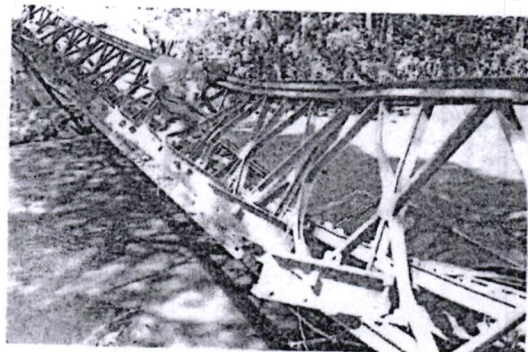
In Nakuru, more than 300 families have been displaced at Ndabibi in Maella Ward, Naivasha following heavy rains that have been pounding the area for the last one week. Nakuru County chief of staff Njoroge Gichuhi, who led a team of officials, including engineers and Kenya Red Cross Society leadership, on a fact-finding mission in the area, said property running into millions of shillings had been destroyed.

Meanwhile, transport in the county, especially in Rongai sub-county has been paralysed after a number of bridges were swept away. In some areas, residents were forced to wade through waters to access shopping centres.

Elsewhere, approximately 200 families from Mt Kenya region have been affected by the destruction caused by the ongoing rains the Red Cross region manager Mugambi Gitonga has said.

Mugambi said most families have been affected by floods and few by landslides with Murang'a being the hardest hit. Kiambu, Nyeri and Kirinyaga take second, third and fourth positions respectively.

Speaking during his tour in Murang'a, the regional manager said most of the families have lost their entire livelihood and they need assistance to start their lives afresh. He said about 5,000 acres of plantation have been destroyed and this threatens food security in the area. "We have had several incidents of landslides reported, luckily no deaths have been reported but we have 10 families whose houses were totally destroyed" he said.



A woman crosses River Chania in Nyeri county. The crossing, which connects Nyeri Town and Mathira constituencies, was damaged a month ago. However the county government has pledged to build a permanent one soon. PD/ JOSEPH KING'ORI

## REPUBLIC OF KENYA



### THE NATIONAL ASSEMBLY TWELFTH PARLIAMENT - FOURTH SESSION

In the matter of consideration by the National Assembly:-  
The Kenya National Library Service Bill (National Assembly Bill No. 5 of 2020)

#### SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". The National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The Kenya National Library Service Bill (National Assembly Bill No. 5 of 2020) seeks to give effect to the provisions of Article 11 of the Constitution in order to promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage. The Bill provides for the establishment and functions of the Kenya National Library Service and further provides for the standards within which the Kenya National Library Service shall operate within and application for membership to the Service.

The Kenya National Library Service Bill (National Assembly Bill No. 5 of 2020) has undergone First Reading pursuant to Standing Order 127 (3) and stand committed to the Departmental Committee on Sports, Culture & Tourism for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee invites interested members of the public to submit any representations they may have on the said Bill. The Bill can be accessed from the parliamentary website at [www.parliament.go.ke/the-national-assembly/house-business/bills](http://www.parliament.go.ke/the-national-assembly/house-business/bills).

The representations or written submissions 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 [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke); to be received not later than Thursday, 7<sup>th</sup> May, 2020 at 5.00 pm.

MICHAEL R. SIALAI, EBS  
CLERK OF THE NATIONAL ASSEMBLY

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REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY  
TWELFTH PARLIAMENT - FOURTH SESSION

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MICHAEL R. SIALAL, EBS  
CLERK OF THE NATIONAL ASSEMBLY



KISUMU COUNTY ASSEMBLY  
THE SECOND ASSEMBLY  
FOURTH SESSION

NOTIFICATION FOR THE KISUMU COUNTY COVID-19  
EMERGENCY RESPONSE FUND REGULATIONS, 2020.

In the matter of consideration before the County Assembly of Kisumu on the  
Kisumu County COVID -19 Emergency Response Fund Regulations, 2020.

Pursuant to the Provisions of Article 185 of the Constitution of Kenya, 2010, and Section 110 of the Public Finance Management Act, 2012; we wish to notify the General Public that the County Executive Member for Finance and Economic Planning has submitted to the County Assembly of Kisumu, the following under listed regulation for approval.

Kisumu County COVID -19 Emergency Response Fund Regulations, 2020.

- Note:
1. Due to the current situation, members of the public are invited to submit any proposal or comments on the Kisumu County COVID-19 Emergency Response Fund Regulations, 2020.
  2. Members of the Public are advised to visit [www.kisumuassembly.co.ke](http://www.kisumuassembly.co.ke) for a copy of the Kisumu County COVID -19 Emergency Response Fund Regulations, 2020.
  3. Submission may be sent or hand delivered to the following address/ email so as to be received by 5<sup>th</sup> May, 2020.

The Clerk  
County Assembly of Kisumu  
P.O Box 86-40100  
Kisumu  
Email: [kisumuassembly@gmail.com](mailto:kisumuassembly@gmail.com)  
Website: [www.kisumuassembly.co.ke](http://www.kisumuassembly.co.ke)



CORPORATE INSURANCE COMPANY LIMITED

STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 31ST DECEMBER 2019

	General Business	Long term Business	Total 2019	Total 2018
	Kshs'000	Kshs'000	Kshs'000	Restated* Kshs'000
Gross premium written	619,312	294,319	913,631	569,802
Outward reinsurance premium	(67,753)	(4,591)	(72,344)	(71,527)
Net written Premiums	552,060	289,727	841,787	537,974
Gross earned premiums	401,672	294,319	695,991	542,430
Net Earned Premiums	334,419	289,728	624,147	530,603
Investment and other income	102,438	122,618	225,055	134,137
Commissions earned	19,127	844	19,971	12,557
Total Income	455,984	413,190	869,174	687,298
Claims and policy holder benefits payable	512,750	384,364	897,114	558,968
Less: amounts recoverable from reinsurers	281,500	-	281,500	31,494
Net claims payable	231,250	384,364	615,614	467,474
Operating expenses	238,031	102,395	340,426	206,967
Commissions payable	74,523	60,803	135,325	127,153
Total Outgo	543,804	547,562	1,091,366	801,594
Operating Profit Before Tax	(87,820)	(134,372)	(222,192)	(144,298)
Tax Credit/(Charge)	45,129	49,191	94,320	41,314
Profit for the year	(41,691)	(85,181)	(126,872)	(102,984)
Dividends:				
Proposed Final Dividend	-	-	50,000	16,000
Earnings/(Loss) Per Share	-	-	(211)	(187)

STATEMENT OF FINANCIAL POSITION AS AT 31ST DECEMBER 2019

	General Business	Long term Business	Total 2019	Total 2018
	Kshs'000	Kshs'000	Kshs'000	Restated* Kshs'000
Equity				
Share capital	400,000	200,000	600,000	550,000
Retained earnings	313,690	-	313,690	405,381
Proposed dividends	-	-	-	1,092
Statutory reserve	-	49	49	85,730
Total Equity	713,690	200,049	913,739	1,041,793
Assets				
Vehicles and equipment	5,272	793	6,065	5,761
Intangible assets	1,427	1,494	2,921	101
Right of use - Asset	26,897	12,424	39,322	-
Investment Property	727,523	661,435	1,388,958	1,217,500
Policy loans receivable	-	46,044	46,044	69,850
Kenya Motor Insurance Pool	68,174	-	68,174	74,448
Receivables arising out of direct insurance arrangements	408,198	1,387	409,585	210,948
Reinsurers' share of insurance contract liabilities	280,524	-	280,524	172,067
Deferred acquisition costs	42,741	-	42,741	37,609
Other receivables	27,445	7926	35,371	21,931
Tax Recoverable	9,482	-	9,482	9,482
Government securities - 'Held to maturity'	107,698	110,610	218,307	265,831
Quoted shares at fair value through profit and Loss	789	789	1,578	1,911
Deposits with financial institutions	3,086	113,313	116,399	300,329
Deferred Income Tax	54,150	-	54,150	10,620
Cash and cash equivalents	11,131	11,015	22,146	5,262
Total assets	1,777,637	967,229	2,744,866	2,363,850
Liabilities				
Insurance contract liabilities	619,251	45,002	664,253	468,545
Provision for Unearned Premium & Unexpired Risk Reserves	361,236	-	361,236	128,199
Lease Liabilities	29,361	13,499	42,860	-
Actuarial value of policyholder liabilities	-	656,955	656,955	542,909
Payable under deposit administration contracts	-	4,373	4,373	7,818
Creditors arising from reinsurance arrangements	19,721	4,780	24,501	79,910
Deferred Tax Liability	-	87	87	58,269
Other payables	33,285	28,130	61,415	57,131
Dividends Payable	1,092	-	1,092	-
Corporate Tax Payable	-	14,354	14,354	8,365
Total Liabilities	1,063,947	767,180	1,831,126	1,342,147
Net assets	713,690	200,049	913,739	1,041,793

STATEMENT OF MOVEMENT IN DEPOSIT ADMINISTRATION AS AT 31ST DECEMBER 2019

Payable under deposit administration contracts:	Total 2019	Total 2018
	Kshs'000	Kshs'000
As at January 1st	7,818	7,518
Pension deposits received during the year	-	-
Pension withdrawals and Annuities paid	-	-
Interest Payable to Policyholders	(3,445)	300
As at 31st December	4,373	7,818

KEY RATIOS

	Total 2019	Total 2018
	Kshs'000	Kshs'000
Capital Adequacy	34%	66%
Claims Ratio	99%	76%
Expense Ratio	76%	63%

The above are extracts from the company's financial statements for the year ended 31st December 2019 which were Audited by PKF Kenya and received an unqualified opinion. The financial statements were approved by the Board of Directors for Issue on 23rd April 2020 and signed on its behalf by:

Vernon J. Aiyon  
Chairman  
Jayesh H. Nagrecha  
Director  
Zipporah W. Mwangi  
Chief Executive Officer

OUR OFFICES

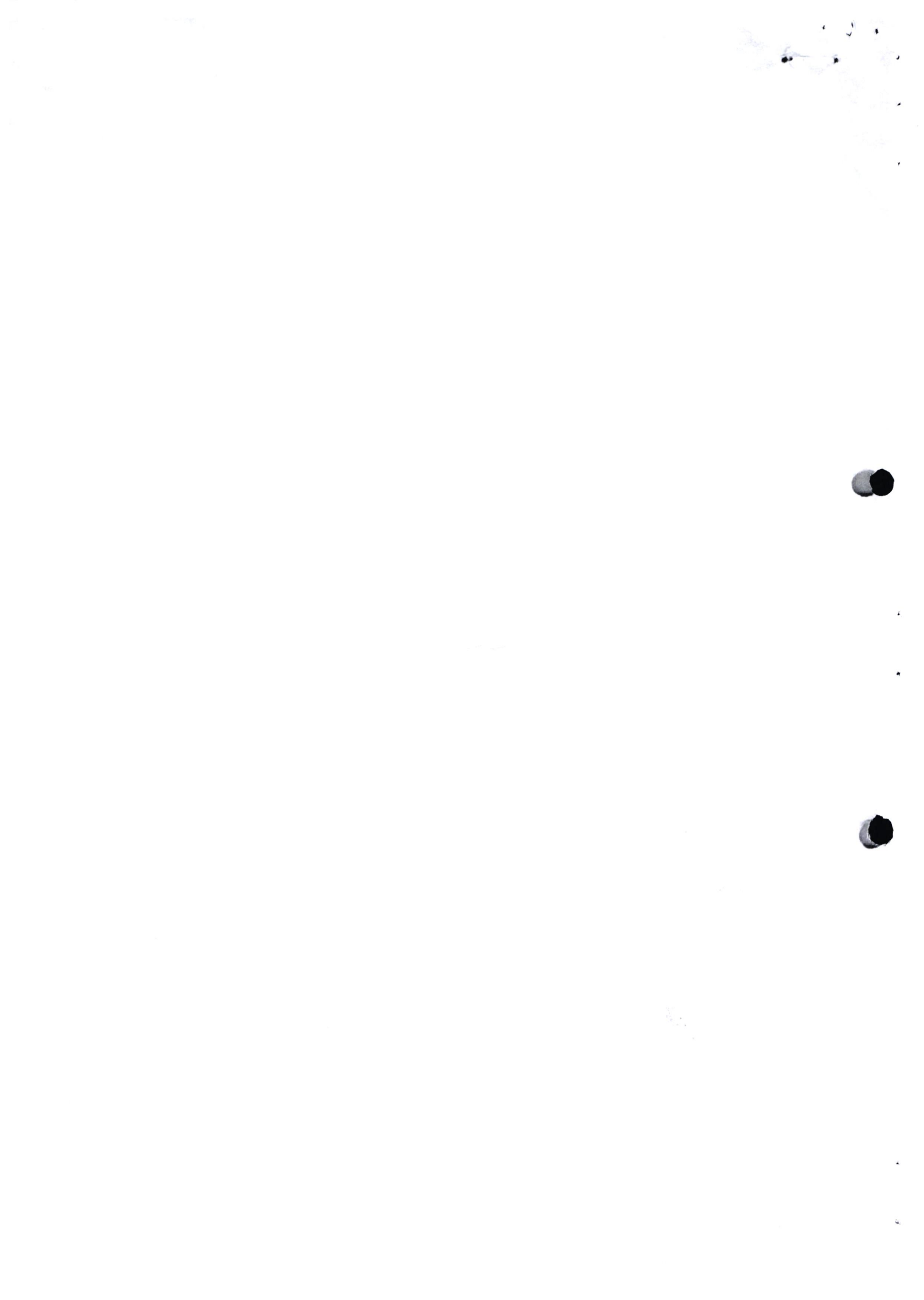
HEAD OFFICE:  
International House, 8th & 12th Floor, Mama Ngina Street,  
P.O. Box 34172-00100, Nairobi.  
Tel: 2777817 (Pilot), 0770 364655/8, 0728 700093  
Email: [info@ckkenya.com](mailto:info@ckkenya.com)

MOMBASA BRANCH:  
Corporate House, Mwiba Rd. Off Treasury Road,  
P.O. Box 99397-80101, Mombasa.  
Tel: 041-2225190/2229231

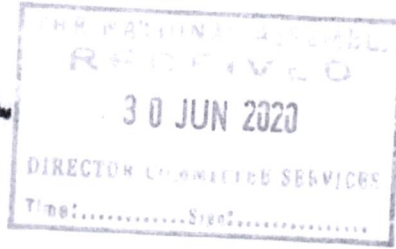
KISUMU BRANCH:  
Mega Plaza, 3rd Floor, Oginga Odinga Street,  
P.O. Box 3596-40100, Kisumu.  
Tel: 057-2025702/3

[www.corporate-insurance.com](http://www.corporate-insurance.com)





ESB 356



KENYA LIBRARY & INFORMATION PROFESSIONAL ASSOCIATION (KLA)

Our Ref: PS/Meeting/2/2020

Fax: .....

E-mail: [chairman@kenyalibraryassociation.or.ke](mailto:chairman@kenyalibraryassociation.or.ke)

URL

[www.kenyalibraryassociation.or.ke](http://www.kenyalibraryassociation.or.ke)

Email: [constantinenyamboga@gmail.com](mailto:constantinenyamboga@gmail.com)

Date: 29/06/2020

① *[Handwritten signature]*  
30/6/2020

To: The Clerk,  
National Assembly of Kenya

Dear Sir/Madam,

**RE: KLA AMENDMENTS ON THE KENYA NATIONAL LIBRARY SERVICE BILL NO. 5 OF 2020.**

As a follow up on the memorandum on behalf of the Kenya Library Association (KLA), and its entire Library and Information professionals dated 7<sup>th</sup> May 2020, here attached are recommendation to amend some clauses of the Bill.

The recommendations forwarded for your attention are the true representative of the Kenyan Librarian voice and kindly consider them as way forward.

Sir, we look forward to participate effectively, if called upon.  
Thanking you in advance.

② KAZAMA  
Please deal  
FAA  
30/6/20

Yours Respectfully,

*[Handwritten signature]*

Prof. Constantine Nyamboga, PHD

**Chairman**

**Kenya Library & Information Professional Association**

**Tel: ...+254 (0)734736381**

**Email: [chairman@kenyalibraryassociation.or.ke](mailto:chairman@kenyalibraryassociation.or.ke)**

& also:

Vice- Chancellor,  
Lukenya University  
Kambu, Makueni County

Email: [vc@lukenyauniversity.ac.ke](mailto:vc@lukenyauniversity.ac.ke)



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## THE PROPOSED AMENDMENTS BY THE KENYA LIBRARY ASSOCIATION

### Preamble

#### A. The Context

The current Act of Parliament Cap 225 of 1965 plays a dual role:

- i). **Public Library** function enacted in 1965.
- ii). **National Library** function, became an additional service in 1978.

It is worth noting, that the functions stated above are distinct in their nature and functions: the former takes the public libraries closer to the people, while the later is retained in Nairobi to serve closely as a national repository in service of the government.

***The Public Library Function.*** With the promulgation of the constitution of Kenya 2010, the public library function was designated to the County Government. The provision of library services was devolved to reach the end users to the greatest extent possible. Consequently, the 4th schedule, part 2, 4(f) appropriately situates under County Governments under Article 185(4)(b).

***The National Library Function.*** Similarly, with the promulgation of the constitution of Kenya 2010, the national library function was undesignated. The constitution remained silent on its functions much as the function is useful to the Nation of Kenya. Article 186 Sub-article (3) provides that where a function is undesignated it remains the function of the national government.

Therefore, with the 2010 constitution, it became apparent that the dual role of Cap 225 of 1965 would cease and lead to a separation of these two functions.

#### B. Implications

Clause 39 of this proposed Bill No. 5 of 2020, recommends the repeal of Cap 225 of 1965. This proposed repeal is contrary to the previous reports that were commissioned to set up the development of public library services in Kenya, including:

1. The 1945 Elspeth Huxley Report's which recommended for the establishment of public libraries in East African Countries.
2. The 1960 Sidney Walter Hockey Report for the establishment of the Library Boards to manage public libraries in the three East African territories which in Kenya translated to the enactment of the Cap 225 of 1965.
3. The greatest debate, captured by the official Hansard of the Kenya National Assembly between 4<sup>th</sup> December 1964 and May 12<sup>th</sup> 1965 (pp. 550-568).

Simply put, it is apparent that in this proposed Bill, the functions of the national library now seem to take precedence to that of the public library service. And this creates a serious gap



and challenge which MUST be reviewed and reconsidered. This therefore, forms the basis of our preferred amendments to this Bill.

### Proposed Amendments

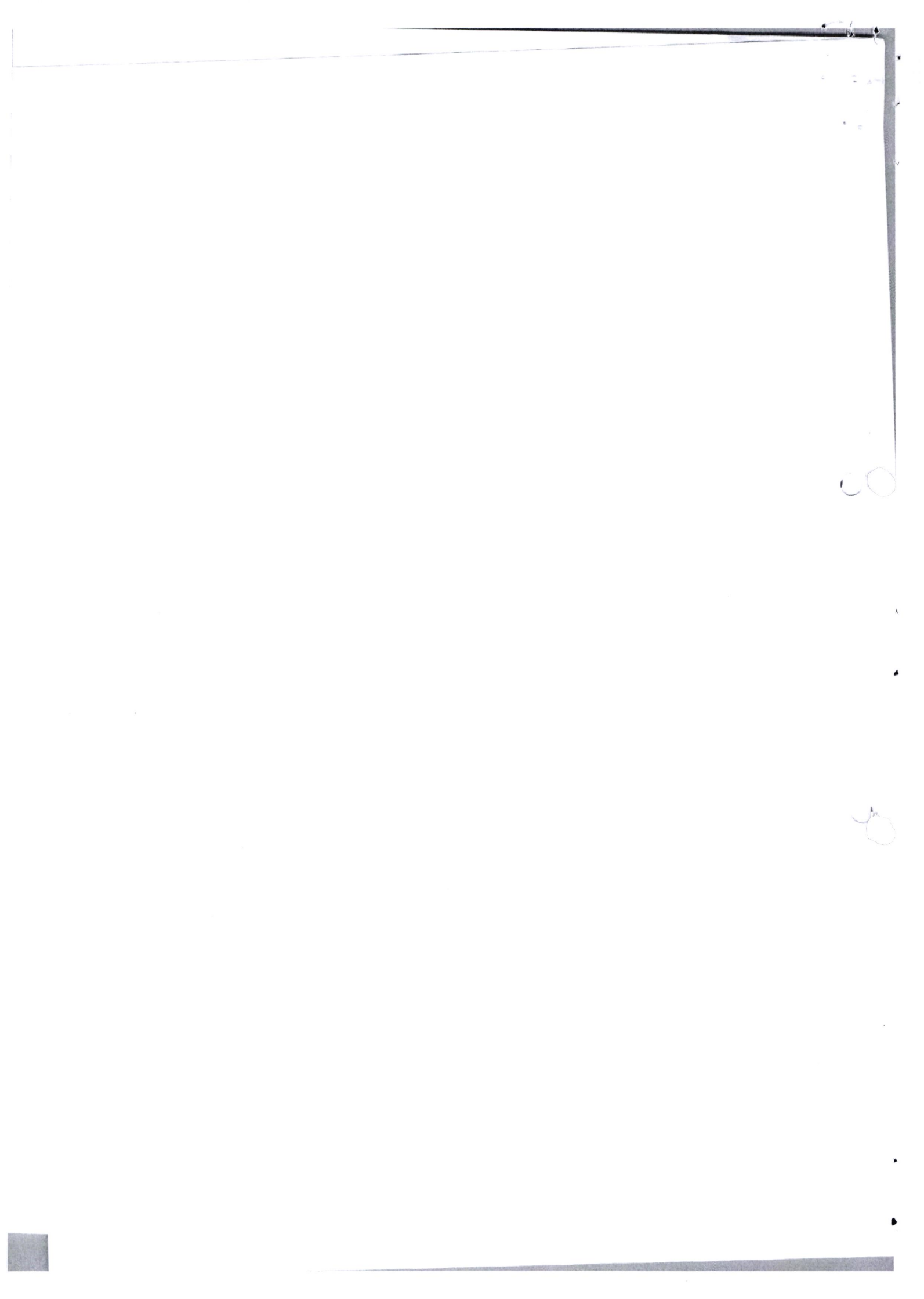
The matrix in the table below indicates proposed amendments in light of the professional and technical practitioners.

Bill No. 5 of 2020	Proposed Amendments	Justification
The Heading of the Bill	<p>Amend to read: <i>The National Library of Kenya</i> (NLK)</p> <p>Amend by a global replacement of "Kenya National Library" with <i>"The National Library of Kenya"</i></p>	<p>Based on the International <u>Nomenclature</u>. By practice, the National Library is not a service, hence the proposal to amend by deleting or omitting the word "service".</p>
The Bar line of the Bill	<p>Amend the title to read as <i>italicized</i></p> <p>AN ACT of Parliament to establish the National Library of Kenya, to provide for the management of the <i>National Library of Kenya</i> and for connected purposes.</p>	As justified above
1 The Short title	<p>Amend the title to read as <i>italicized</i></p> <p>This Act may be cited as the <i>National Library of Kenya Act, 2020</i></p>	As justified above
2 Interpretation	<p>Amend the title to read as <i>italicized</i></p> <p>"Director-General" means the Director-General of the <i>National Library of Kenya</i> appointed in accordance with section 15;</p> <p>Amend by replacing the existing interpretations and adding the proposed ones.</p> <p>"Information resources"</p>	<p>Replace with this concise interpretation. The proposed definition was too general and</p>



	<p>means processed and synthesized data and information available both in print and digital formats and are accessible to the consumers.</p> <p><b>“National Library”</b> means established and funded by the national government with a designation ‘national’ to serve the needs of the government, and is a library of record for the nation’s publishing output, a central agency for bibliographic development and a repository of national documentary heritage of Kenya.</p> <p><b>Amend by adding the listed interpretations:</b></p> <p><b>“Board”</b> means the Board of the National Library of Kenya.</p> <p><b>“Develop”</b> means to develop regional centres for collection of indigenous knowledge for National Library of Kenya.</p> <p><b>“Documentary heritage”</b> means all published documents emanating from Kenya or outside or related to Kenya.</p> <p><b>“Document”</b> means any object which is intended to convey information in textual, graphic, visual, auditory or other intelligible format through any medium and any version or edition.</p> <p><b>“Information resources”</b> means data and information used by any organization that can be found in both print and digital formats.</p> <p><b>“Electronic resources”</b> (or e-resources) are materials in digital format accessible by use of hardware and software that makes it accessed electronically.</p>	<p>inaccurate.</p> <p>This amendment defines the national library. The proposed definition was listing its functions.</p> <p>These additional interpretations are comprehensively used in the Bill.</p>
--	--	---





		To display permanent and changing exhibitions of collections to the public, including borrowed collection	
6	Composition of the Board.	<p><b>Amend the following to read:</b></p> <p>(1) The management of the National Library of Kenya shall vest in the Board of Directors of the <i>National Library of Kenya</i> which shall constitute of Nine (9); members who shall consist of-</p> <p>(g) <b>Amend to read:</b> Four other persons appointed by the Cabinet Secretary and TWO (female and Male) who shall be nominated and recommended to the Cabinet Secretary by the Kenya Library Association, being the professional body of Librarians in Kenya.</p>	Representation of the professional body on the board is critical when dealing with professional and technical matters of the Board.
15	Appointment of Director-General	<p><b>Amend by deleting 2 (b) and (c) and replace with:</b></p> <p>(b) The person shall be a distinguished professional librarian as certified by Kenya Library Association (KLA) and well versed with National and International Networks.</p> <p>(c) Has distinguished library service of at least Seven years at management level and holds a masters degree from a university recognized in Kenya.</p>	<p>The professional body is well versed with greater knowledge of all possible candidates in Kenya drawn from its active membership.</p> <p>The person shall be certified as a professional in good standing by the professional and meet the minimum educational qualifications as well to entrusted with a position of leadership at this level.</p>
16	Corporation Secretary.	Amend by deleting the whole of section 16.	This position can be procured on need basis. The responsibilities listed under this position shall be vested under the authority of Director-General who shall be Ex-officio and Secretary to the Board. The Director-General



			may assign such responsibilities to a senior staff of the Board.
22	Investment.	Amend by deleting this clause	The National Library of Kenya is funded by public funds. Rather, such surplus funds may be deposited to an endowment fund to be used for the objects of the Board.
27	Application for membership	Amend by deleting this clause and replace it with "collaborations and partnerships" to exchange information that would be added to the National repository.	The National Library of Kenya is a legal deposit recipient. It shall not charge fees for its services, rather, by mutual exchanges and sharing of documents. The Board is obligated to make its national repository accessible to the public and to the state.
33	Agreement for management of public libraries	Amend by deleting this clause	Management of public libraries is not within the domain of the National Library.
34	Proceedings against the National Library of Kenya	Amend by deleting this clause.	The clause is superfluous
39	Repeal of Cap 225	Amend by deleting this clause	The primary purpose of Cap 225 of 1965 was and remains the provision of public library services in Kenya. The proposed National Library seeks to establish the functions of the national library of Kenya. Therefore, the proposed Bill cannot repeal a legal framework that is not within its domain.
40	Savings and transitional provisions	Amend by deleting this clause	The National Library of Kenya should be treated as a new Board. The Cap 225 of 1965 is primarily about the Public Library Services. The National Library Division of Cap 225 was introduced as a subsidiary division to cater for the needs of a national library. A



			subsidiary function, cannot replace or cause to cease a principal function: the provision of Public Library Services.
	Memorandum of the Objects and Reasons	Amend by factoring and reflecting all the proposed amendments.	To make the memorandum in tandem with the amended Bill.

Enclosed list constituting those who contributed to the proposed amendments.











