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13/11/24

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – THIRD SESSION – 2024

DEPARTMENTAL COMMITTEE ON EDUCATION

REPORT ON:

THE UNIVERSITIES (AMENDMENT) BILL, 2023

(National Assembly Bill No. 64 of 2023)

CLERKS CHAMBERS

DIRECTORATE OF DEPARTMENTAL COMMITTEES

PARLIAMENT BUILDINGS

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 13 NOV 2024	DAY: WED
TABLED BY:	REPUTED MAJORITY PARTY WITH HON. NAOMI WAQOMPA
CLERK-AT THE TABLE:	MS. MERCI CHUMO

NAIROBI

NOVEMBER 2024



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LIST OF ABBREVIATIONS AND ACRONYMS

ANC	-	Amani National Congress
DAP-K	-	Democratic Action Party Kenya
IND	-	Independent
JP	-	Jubilee Party
KUCCPS	-	Kenya Universities and Colleges Central Placement Service
KNCHR	-	Kenya National Commission on Human Rights
NAPUK	-	National Association of Private Universities in Kenya
ODM	-	Orange Democratic Movement

ANNEXURES

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

CHAIRPERSON'S FOREWORD

The Universities (Amendment) (No.3) Bill, 2023 (National Assembly Bills No.64) sponsored by Hon. Christopher Aseka Wangaya, MP was read a First Time on 15th November, 2023 and committed to the Departmental Committee on Education for consideration and reporting to the House, pursuant to Standing Order 127(1).

The principal object of this Bill is to amend the Universities Act. No. 42 to abolish funding of private universities using public funds and to bar the Kenya Universities and Colleges Central Placement Service (KUCCPS) from placement of students to private universities.

The Bill further seeks to safeguard public funds from misuse by private entities which have not been brought under the regulatory framework of the Public Finance Management Act, 2015 and the regulations thereunder.

Pursuant to Article 118(1) (b) of the Constitution and Standing Orders 127(3), adverts for request for submission were placed in the "Daily Nation" and the "Standard" newspapers on 20th November, 2023 inviting interested members of the public to submit any representations they may have on the Bill. The Committee did not receive representations and further sought views from stakeholders via letter dated 19th December, 2023

The Committee further wrote letters to the Principal Secretary, State Department for Higher Education and Research, the Kenya Universities and Colleges Central Placement Services and the Katiba Institute, which did not elicit responses.

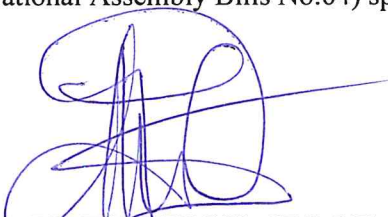
Further, in considering the Bill the Committee held a total of Four (4) meetings to receive and consider submissions.

The Committee having considered the Bill clause by clause and having met with the sponsor of the Bill made observations and recommendations contained in section 4.0 and 5.0 of this Report.

Acknowledgement

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

On behalf of the Committee, and pursuant to Standing Order 127(4), it is my pleasant duty to table the Report of the Departmental Committee on Education on its consideration of the Universities (Amendment) (No.3) Bill, 2023 (National Assembly Bills No.64) sponsored by Hon. Christopher Aseka Wangaya, MP



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

1.0 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Education of Standing Order No. 216(1) of the National Assembly and Standing Order 216 (5) read together with the functions of the Committee are to: -
 - (i) *investigate, inquire into, and report on the management, activities, administrative and financial aspects of Education;*
 - (ii) *study the programme and policy objectives of the Government and the effectiveness of the implementation;*
 - (iii) *study and review all legislation referred to the Committee;*
 - (iv) *study, assess and analyze the relative merits of the results obtained as compared with the results of other countries;*
 - (v) *investigate and inquire into all matters referred to the Committee by the President;*
 - (vi) *to vet and report on all appointments referred to the National Assembly and by extension, to the President;*
 - (vii) *make reports and recommendations to the House as often as possible, including on the implementation of the recommendations;*
 - (viii) *make recommendations to the House on the Government's proposals of legislation;*
 - (ix) *consider reports of the relevant committees of the House pursuant to the provisions of the Constitution;*
 - (x) *examine any questions raised by Members of the House.*

1.2 Subjects

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

1.3 Committee Membership

4. The Committee comprises of the following Members: -

1. Hon. Julius Kibiwott Melly, CBS, MP
Chairperson
Tinderet Constituency
UDA

2. Hon. Moses Malulu Injendi, MP
Vice Chairperson
Malava Constituency
ANC

3.Hon. Dr. Christine Ombaka, MP
Siaya County
ODM

10.Hon Julius Taitumu M'Anaiba, MP
Igembe North Constituency
UDA

4.Hon. Eve Akinyi Obara, MP
Kabondo Kasipul Constituency
ODM

11.Hon. Nabii Nabwera Daraja, MP
Lugari Constituency
ODM

5.Hon. Jerusha Mongina Momanyi, MP
Nyamira County
JP

12.Hon. Peter Ochieng Orero, MP
Kibra Constituency
ODM

6.Hon. Abdul Ebrahim Haro, MP
Mandera South Constituency
UDA

13.Hon. (Prof.) Phylis Jepkemoi Bartoo
Moiben Constituency
UDA

7.Hon. Anne Muratha, MP
Kiambu County
UDA

14.Hon. Rebecca Noonaishi Tonkei, MP
Narok County
UDA

8.Hon. Clive Gisairo, MP
Kitutu Masaba, Constituency
ODM

15. Hon. Timothy Toroitich, MP
Marakwet West Constituency,
IND

9.Hon. Dick Oyugi Maungu, MP
Luanda Constituency
DAP-K

1.4 Committee Secretariat

5. The Committee secretariat comprise of: -

Mr. Mohamed Boru
First Clerk Assistant

Mr. Clive Onyancha
Clerk Assistant II

Mr. Eric Kanyi
Fiscal Analyst II

Ms. Fiona Wanjiru
Legal Counsel

Dr. Mburu Maina
Research Officer III

Mr. Jared Onyancha
Public Relations Officer III

Mr. Richard Sang
Serjeant-At-Arms

Mr. Nimrod Ochieng'
Audio Recording Officer

Ms Pauline Njuguna
Hansard Officer II

PART II

2.0 BACKGROUND

2.1 Introduction

6. The Bill was introduced to abolish the use of public funds for private universities and prohibiting the Kenya Universities and Colleges Central Placement Service (KUCCPS) from placing students in private institutions. This move is intended to protect public funds and ensure they are used efficiently within the public university system, which is more tightly regulated.
7. The Bill also highlights the need for a stronger regulatory framework for private universities, ensuring that they adhere to appropriate financial and educational standards, in line with the Public Finance Management regulations.

2.2 Memorandum of Objects and Reasons for the Bill

8. The principal object of this Bill is to amend the Universities Act. No. 42 to abolish funding of private universities using public funds and to bar the Kenya Universities and Colleges Central Placement Service (KUCCPS) from placement of students to private universities.
9. The Bill further seeks to safeguard public funds from misuse by private entities which have not been brought under the regulatory framework of the Public Finance Management Act, 2015 and the regulations thereunder.
10. **Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**
9. The Bill does not delegate legislative powers to the Cabinet Secretary nor does it limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

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

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

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

PART III

3.0 CONSIDERATION OF THE BILL BY THE COMMITTEE

3.1 Committal of the Bill

13. The Universities (Amendment) (No.3) Bill, 2023 (National Assembly Bills No.64) sponsored by Hon. Christopher Aseka Wangaya, MP was read a first time on 15th November, 2023 and committed to the Departmental Committee on Education and Research for consideration and reporting to the House, pursuant to Standing Order 127(1).

3.2 Public Participation on the Bill

14. Pursuant to Article 118(1) (b) of the Constitution and Standing Orders 127(3), advertisements for request for submission were placed in the “Daily Nation” and the “Standard” newspapers on 20th November, 2023 inviting interested members of the public to submit any representations they may have on the Bill. (*Annexure 3*).
15. The Committee did not receive representations and further sought views from stakeholders via letter dated 19th December, 2024. The Committee further wrote reminder letters to the Principal Secretary State Department for Higher Education and Research, the CEO Kenya Universities and Colleges Central Placement Services and the CEO Katiba Institute which did not elicit responses.
16. In considering the Bill the Committee held a total of three meetings to receive and consider submissions from the stakeholders.

3.3 Meeting with the Sponsor of the Bill

17. Hon. Christopher Aseka Wangaya, M.P, the sponsor of the Universities (Amendment) Bill, 2023 appeared before the Committee on 22nd October 2024 and submitted as follows:
18. The principal object of this Bill is to abolish funding of private universities using public funds and to bar the Kenya Universities and Colleges Central Placement Service (KUCCPS) from placement of students to private universities.
19. Further the Bill seeks to safeguard public funds from misuse by private entities which have not been brought under the regulatory framework of the Public Finance Management Act, 2015 and the regulations thereunder. The effect of this amendment is to abolish issuance of conditional grants to private universities
20. The functions of Kenya Universities and Colleges Central Placement Service (KUCCPS) includes the co-ordination and placement of government sponsored students to public universities and colleges. The amendment seeks to limit the functions of the board to placement of government sponsored students in only public universities and bar the placement of students to private universities.

PART IV

4.0 COMMITTEE OBSERVATIONS

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

- (i) The Government grants provided to private universities are intended to support research and development initiatives that benefit the public. Consequently, these grants should be maintained to continue fostering advancements that serve the public good.
- (ii) Under the New Funding Model for higher education, the Kenya Universities and Colleges Central Placement Service has not placed government-sponsored students in private Universities for the last two academic years.

PART V

5.0 COMMITTEE RECOMMENDATION

The Committee, having considered the Universities (Amendment) Bill, 2023 (National Assembly Bills No.64) and the submissions from the sponsor of the Bill, recommends that the House approves the Bill with amendments contained in the Schedule of Amendments forming part six.

PART VI

6.0 SCHEDULE OF AMENDMENTS

CLAUSE 2

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

Justification

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

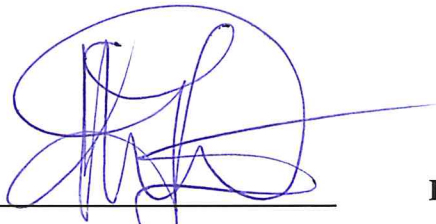
CLAUSE 3

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

Justification

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

SIGNED



DATE

12/11/2024

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

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

ANNEX 1:

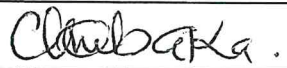
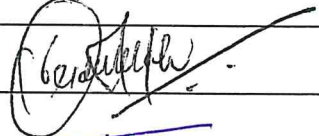
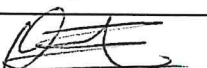
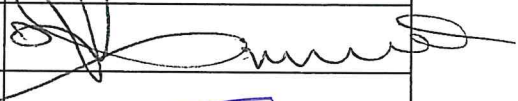
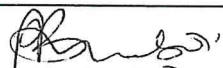
REPORT ADOPTION SCHEDULE



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

ADOPTION SCHEDULE

AGENDA: REPORT ON THE UNIVERSITIES (AMENDMENT)
...BILL, 2023 BY HON. CHRISTOPHER WANGAYA, MP

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

