



Approved  
SNA  
13/11/24

THE NATIONAL ASSEMBLY  
THIRTEENTH PARLIAMENT – THIRD SESSION – 2024

DEPARTMENTAL COMMITTEE ON EDUCATION

REPORT ON:

THE UNIVERSITIES (AMENDMENT) BILL (NO. 5) 2023

(National Assembly Bill No. 79 of 2023)

CLERKS CHAMBERS  
DIRECTORATE OF DEPARTMENTAL COMMITTEES  
PARLIAMENT BUILDINGS

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

NAIROBI

NOVEMBER 2024



## TABLE OF CONTENTS

### Contents

.....	1
<b>LIST OF ABBREVIATIONS AND ACRONYMS .....</b>	<b>3</b>
<b>CHAIRPERSON'S FOREWORD.....</b>	<b>5</b>
<b>PART I .....</b>	<b>6</b>
<b>1.0 PREFACE.....</b>	<b>6</b>
<b>1.1 Mandate of the Committee.....</b>	<b>6</b>
<b>1.2 Subjects .....</b>	<b>6</b>
<b>1.3 Committee Membership.....</b>	<b>7</b>
<b>1.4 Committee Secretariat.....</b>	<b>8</b>
<b>PART II .....</b>	<b>9</b>
<b>2.0 BACKGROUND .....</b>	<b>9</b>
2.1 Introduction.....	9
2.2 Memorandum of Objects and Reasons for the Bill.....	9
<b>PART III .....</b>	<b>11</b>
<b>3.0 CONSIDERATION OF THE BILL BY THE COMMITTEE .....</b>	<b>11</b>
3.1 Committal of the Bill .....	11
3.2 Public Participation on the Bill .....	11
3.3 Meeting with the Sponsor of the Bill.....	11
<b>4.0 COMMITTEE OBSERVATIONS .....</b>	<b>13</b>
<b>PART V.....</b>	<b>14</b>
<b>5.0 COMMITTEE RECOMMENDATION .....</b>	<b>14</b>

## **LIST OF ABBREVIATIONS AND ACRONYMS**

ANC	-	Amani National Congress
CUE	-	Commission for University Education
DAP-K	-	Democratic Action Party Kenya
IND	-	Independent
JP	-	Jubilee Party
KUCCPS	-	Kenya Universities and Colleges Central Placement Service
NAPUK	-	National Association of Private Universities in Kenya
ODM	-	Orange Democratic Movement
TVETA	-	Technical Vocational and Educational Training Authority

---

## **ANNEXURES**

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

### **CHAIRPERSON'S FOREWORD**

The Universities (Amendment) Bill 2024 sponsored by Hon. Mejjadonk Benjamin Gathiru, MP was read a first time on 21<sup>st</sup> February, 2024 and committed to the Departmental Committee on Education for consideration and reporting to the House, pursuant to Standing Order 127(1).

The object of the Bill is to amend the Universities Act, Cap. 210 to end the practice of universities offering certificate and diploma courses. This is informed by the fact that currently there are two bodies certifying certificate and diploma courses, that is, the Technical and Vocational Education and Training Authority for technical and vocational colleges and the Commission for University Education for the universities, leading to inconsistencies in the content and duration of the courses.

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 7<sup>th</sup> March, 2024 inviting interested members of the public to submit any representations they may have on the Bill. The Committee received representations from National Association of Private Universities in Kenya (NAPUK) and the Kenya Nutritionist and Dieticians Institute. All the submissions were considered by the Committee.

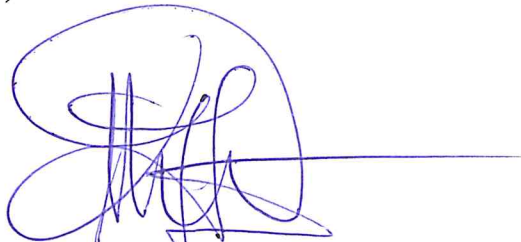
Further, in considering the Bill the Committee held a total of three (3) meetings to receive and consider submissions.

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

#### **Acknowledgement**

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

On behalf of the Committee, and pursuant to Standing Order 127(4), it is my pleasant duty to table the Report of the Departmental Committee on Education on its consideration of the Universities (Amendment) (No.5) Bill, 2023 (National Assembly Bill No. 79) sponsored by the Hon. Mejjadonk Benjamin Gathiru, MP).

A handwritten signature in blue ink, consisting of a large, stylized 'J' and 'M' followed by a horizontal line extending to the right.

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

## PART I

### 1.0 PREFACE

#### 1. 1 Mandate of the Committee

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

#### 1.2 Subjects

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

### 1.3 Committee Membership

4. The Committee comprises of the following Members: -

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

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

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

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

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

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

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

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

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

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

**7.Hon. Anne Muratha, MP**  
Kiambu County  
UDA

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

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

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

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

---

#### 1.4 Committee Secretariat

5. The Committee secretariat comprise of: -

Mr. Mohamed Boru  
**First Clerk Assistant**

Mr. Clive Onyancha  
**Clerk Assistant II**

Mr. Eric Kanyi  
**Fiscal Analyst II**

Ms. Fiona Wanjiru  
**Legal Counsel**

Dr. Mburu Maina  
**Research Officer III**

Mr. Jared Onyancha  
**Public Relations Officer III**

Mr. Richard Sang  
**Serjeant-At-Arms**

Mr. Nimrod Ochieng'  
**Audio Recording Officer**

Ms Pauline Njuguna  
**Hansard Officer II**



## PART II

### 2.0 BACKGROUND

#### 2.1 Introduction

6. The Bill was introduced to address the overlapping roles of Kenyan universities and technical institutions in offering diploma and certificate courses, a situation that has led to inconsistencies in course quality, content, and duration. Currently, both the Technical and Vocational Education and Training Authority (TVETA) and the Commission for University Education (CUE) are responsible for certifying diploma and certificate courses, creating regulatory challenges and confusion in the education sector.
7. As universities were initially established to focus on degree and research programs, this overlap has also drawn concerns about mission drift, where universities increasingly venture into areas designated for technical and vocational institutions.
8. The Bill aims to streamline the education system by restricting universities to degree and postgraduate courses, leaving diploma and certificate programs to technical and vocational colleges. This reallocation is intended to boost enrollment in technical institutions, which have struggled to attract students despite substantial government investment.
9. By clarifying institutional roles, the Bill seeks to enhance the quality and relevance of education at all levels, ensuring that students receive focused training tailored to either academic or technical pathways. This legislative move aligns with the government's broader goal to strengthen technical and vocational education as a means of addressing skill gaps and promoting economic development.

#### 2.2 Memorandum of Objects and Reasons for the Bill

10. The principal object of the Bill is to amend the Universities Act, *Cap. 210* to end the practice of universities offering certificate and diploma courses. This is informed by the fact that currently there are two bodies certifying certificate and diploma courses, that is, the Technical and Vocational Education and Training Authority for technical and vocational colleges and the Commission for University Education for the universities leading to inconsistencies in the content and duration of the courses.
11. **Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**
9. The Bill delegates legislative powers to the Cabinet Secretary. It does not limit fundamental rights and freedoms.

#### **Statement on how the Bill concerns county governments**

- 
10. The Bill 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.5) Bill, 2023 (National Assembly Bill No. 79) sponsored by the Hon. Mejjadonk Benjamin Gathiru, MP, was read a first time on 21<sup>st</sup> February, 2024 and committed to the Departmental Committee on Education for consideration and reporting to the House, pursuant to Standing Order 127(1).

#### 3.2 Public Participation on the Bill

14. 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 7<sup>th</sup> March, 2024 inviting interested members of the public to submit any representations they may have on the Bill. The Committee received representations from the National Association of Private Universities in Kenya (NAPUK) and the Kenya Nutritionist and Dieticians Institute which were considered by the Committee.
15. In considering the Bill the Committee held a total of three (3) meetings to receive and consider submissions from the stakeholders.

#### 3.3 Meeting with the Sponsor of the Bill

16. Hon. Mejjadonk Benjamin Gathiru, M.P, the sponsor of the Universities (Amendment) Bill, 2023 sent written submissions to the Committee as follows:
17. The principal objective of this Bill is to amend the Universities Act, 2012 to end the practice of universities offering certificate and diploma courses. This is informed by the fact that currently there are two bodies certifying certificate and diploma courses and this leads to inconsistencies in the content and duration of the courses.
18. The Universities (Amendment) (No 5) Bill 2023 seeks to prohibit universities from offering diploma and certificate courses, reserving these programs for technical and vocational colleges. Further the Kenya Universities and Colleges Central Placement Service (KUCCPS) should be barred from placing students in university to undertake diploma or certificate courses.
19. The proposed legislation marks a significant shift in the role of universities, emphasizing their function as institutions of higher learning and academic research by limiting certificate and diploma courses to technical and vocational colleges, proponents aim to streamline educational pathways and increase enrolment in these institutions.
20. To mitigate immediate disruptions, the proposed legislation includes transitional measures allowing current students enrolled in diploma and certificate courses to complete their studies under the existing arrangement. This transitional period provides stability for affected students and institutions while allowing for a smooth transition to the new regulatory framework.

21. Beyond restricting universities from offering diploma and certificate courses, the bill empowers the Commission for University Education (CUE) to enhance the recognition of international qualifications. By equating postgraduate certificates and diplomas conferred by foreign universities, the proposed regulatory changes aim to facilitate academic mobility and international collaboration, enriching the academic landscape and fostering global partnerships. Per the new bill, Chancellors of any university will only be allowed to award postgraduate certificates and postgraduate diploma courses and not the basic certificate and diploma courses.
22. Further, it is necessary to remove certificate and diploma courses from universities since there are two bodies certifying certificate and diploma courses. These are the Technical and Vocational Education and Training Authority for technical and vocational colleges and the Commission for University Education (CUE) for universities.
23. There is confusion and inconsistencies in the content and duration of certificate courses and if the bill is approved, CUE will have the function to recognise and equate postgraduate certificates and postgraduate diplomas conferred by foreign universities and institutions as opposed to basic certificates and diplomas.
24. The proposal is in tandem with the recommendations contained in the report submitted last year by the Presidential Working Party on Education Reforms (PWPER), a task force to address the challenges that had for long years bedevilled the country's education sector. In their report, PWPER members sanctioned that universities be barred from offering certificates and diplomas noting that the institutions needed to focus on degree programmes for optimum quality.
25. The Universities (Amendment) Bill, 2023 represents a pivotal moment in Kenya's higher education sector, signalling a strategic shift in educational priorities and institutional roles. The proposed legislation will enhance the quality of higher education and strengthen tertiary institutions. Also, the legislation will promote inclusivity, excellence and innovation in Kenya's tertiary education system.

## **PART IV**

### **4.0 COMMITTEE OBSERVATIONS**

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

- i. Section 20(1)(e) of the University Act, authorizes chartered universities to award degrees, including honorary degrees. Subsequently, the Statute Law (Miscellaneous Amendment) Act of 2012 broadened this mandate of universities, to include offering of diploma courses, and certificates. Pursuant to the aforementioned amendment, universities in Kenya have the mandate to provide diplomas, and certificates which is also a mandate of the Technical Vocational Training Colleges.
- ii. There however, have been several challenges arising from permitting both universities and Technical Vocational and Educational Training colleges to offer certificates and diploma courses. Some of these challenges include: duplication of roles, congestion in universities, under-utilization of resources among others.
- iii. This amendment is in line with the recommendations in the Report of the Presidential Working Party on Education Reform, 2023.

## 5.0 COMMITTEE

The Committee, having  
Bills No.79), the sub  
House approves the



SIGNED \_\_\_\_\_

CHAIRPERSON

# **ANNEX 1:**

## **REPORT ADOPTION SCHEDULE**







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

ADOPTION SCHEDULE

AGENDA: REPORT ON THE UNIVERSITIES (AMENDMENT)  
BILL, 2023 BY HON. BENJAMIN GATHIRU MEJIADONK, MP

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

