KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2016

NAIROBI, 15th January, 2016

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Bill for Introduction into the National Assembly —

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THE KENYA NATIONAL EXAMINATION COUNCIL (AMENDMENT) BILL, 2016
A Bill for

AN ACT of Parliament to amend the Kenya National Examination Council Act

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Kenya National Examination Council (Amendment) Act, 2016.

2. Section 10 of the Kenya National Examination Council Act is amended—

(a) in sub-section (1) by inserting the following new paragraph immediately after paragraph (b) —

“(ba) rank institutions and candidates based on their performance at the national examination set and conducted by the Council at basic level in accordance with this Act.”

(b) in sub-section (2) by inserting the following new paragraph immediately after paragraph (b) —

“(ba) make rules regulating the ranking of institutions and candidates based on their performance at the national examination set and conducted by the Council at basic level in accordance with this Act.”

(c) by inserting the following new subsection immediately after subsection (2) —

“(3) For purposes of this section, “basic level” means examination conducted at institutions of basic education and training as defined under the Basic Education Act 2013.”
MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to anchor the existence and practice of structured ranking of schools and candidates in statute law.

The Bill seeks to address the challenges facing ranking of schools and candidates like the current abolishment of the ranking system in national examinations without proper consultations.

The Bill therefore, empowers the Kenya National Examination Council to rank schools and candidates based on the national examinations conducted and administered by the Council. This will not only promote the education system in Kenya but also market our education system internationally.

Statement that the Bill concerns county governments

The Bill does not affect the functions of the county governments and is therefore not a Bill concerning counties for purposes of the Article 110(1) Standing Orders.

Statement that the Bill is a Money Bill within the meaning of Article 114 of the Constitution

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

Dated the 15th January, 2016.

CHRIS WAMALWA,
Member of Parliament.
Section 10 of the principal Act which it is proposed to amend—

10. Functions of the Council

(1) The functions of the Council shall be to—

(a) set and maintain examination standards, conduct public academic, technical and other national examinations within Kenya at basic and tertiary levels;

(b) award certificates or diplomas to candidates in such examinations; such certificates or diplomas, shall not be withheld from the candidate by any person or institution;

(c) confirm authenticity of certificates or diplomas issued by the Council upon request by the government, public institutions, learning institutions, employers and other interested parties;

(d) issue replacement certificates or diplomas to candidates or diplomas to candidates in such examinations upon acceptable proof of loss of the original;

(e) undertake research on educational assessment;

(f) advise any public institution on the development and use of any system of assessment when requested to do so, and in accordance with such terms and conditions as shall be mutually agreed between the Council and the public institution;

(g) promote the international recognition of qualifications conferred by the Council;

(h) advise the Government on any policy decision that is relevant to, or has implications on, the functions of the Council or the administration of examinations in Kenya;

(i) do anything incidental or conducive to the performance of any of the preceding functions.

(2) In the performance of its functions under subsection (1), the Council shall have powers to—

(a) make rules regulating the conduct of examinations and for all purposes incidental thereto;

(b) make rules regulating the confirmation of examination results and for purposes incidental thereto;

(d) make rules regulating the conduct of issuance of replacement certificates or diplomas and for all purposes incidental thereto;

(f) make rules regulating the conduct of issuance of certificates or
(g) diplomas and for all purposes incidental thereto;

(h) withhold or cancel the results of candidates involved in examination irregularities or malpractices;

(i) appoint any officer responsible for education or training, including heads of education and training institutions to assist in the administration of examination as may be prescribed by the Council in consultation with the Cabinet Secretary;

(j) equate certificates issued by accredited foreign examining bodies with the qualifications awarded by the Council;

(k) conduct examinations on behalf of foreign states or entities upon request by such states or entities;

(l) conduct academic, technical and other examinations outside Kenya on request;

(m) offer examination services and other advisory services relevant to examinations to private institutions in Kenya upon request by such institution and on such terms as the Council may determine;

(n) invite such body in or outside Kenya, as the Council may consider necessary, to conduct on its behalf, academic, technical and other national examinations within Kenya, or to conduct these examinations jointly with the Council and to award certificates or diplomas to successful candidates in such examinations;

(o) co-operate with such bodies, under paragraph (k), in the performance of its functions;

(p) advise the bodies invited under paragraph (k) upon the adaptation of examinations necessary in Kenya and to assist any such bodies to conduct such examinations.
Section 7 of Cap. 8 which it is proposed to amend—

(2) The High Court shall consist of not more than one hundred and fifty judges.

Section 359 of Cap. 75 which it is proposed to amend—

(1) Appeals from subordinate courts shall be heard by two judges of the High Court, except when in any particular case the Chief Justice, or judge to who the Chief Justice has given authority in writing, directs that the appeal be heard by one judge of the High Court.

Section 6 of No. 1 of 2011 which it is proposed to amend—

(3) A County Judge and the head of a High Court Division shall, in consultation with the Chief Registrar, be responsible to the Principal Judge of the High Court for the administration of their station or division.

(4) Despite the generality of subsection (3), a County Judge shall, in particular—

(a) supervise the courts within the judicial region in which the High Court is situate;

(b) present the necessary status reports to the Chief Justice through the Chief Registrar.