

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 95 (Senate Bills No. 24)*

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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**SENATE BILLS, 2014**

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**NAIROBI, 27th June, 2014**

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**THE PERSONS WITH DISABILITIES  
(AMENDMENT) BILL, 2014**

**A Bill for**

**AN ACT of Parliament to amend the Persons with  
Disabilities Act.**

**ENACTED** by the Parliament of Kenya, as follows—

**1.** This Act may be cited as the Persons with Disabilities (Amendment) Act.

Short title.

**2.** Section 10 of the Persons with Disabilities Act, hereinafter referred as the “principal Act”, is deleted and substituted with the following new section-

Amendment of section 10 of Cap 133.

Annual Report.

**10.** As soon as practicable after the end of each financial year, the Council shall submit a report to the Senate, the National Assembly and the Cabinet Secretary responsible for matters relating to persons with disabilities detailing-

- (a) its activities in respect of that financial year;
- (b) the extent to which the National and County Governments have complied with the provisions of the Constitution and this Act on matters relating to persons with disabilities;
- (c) the steps proposed to be taken in the new financial year to ensure compliance with the provisions of the Constitution and this Act on matters relating to persons with disabilities; and
- (d) any other relevant information.

**3.** The principal Act is amended by inserting the following new section immediately after section 11-

Amendment of section 11 of Cap 133.

Provision of facilities to persons with disabilities.

**11A.** The National and County Governments shall take all necessary measures to ensure that persons with disabilities are provided with the necessary facilities so as to overcome constraints arising from the person's disability.

**4.** Section 13 of the principal Act, is amended –

Amendment of section 13 of Cap 133.

(a) by renumbering the existing provision as sub-section (2); and

(b) by inserting the following new sub-section immediately before sub-section (2)-

(1) The National and County Governments shall ensure that at least five percent of state and public service positions are reserved for persons with disabilities.

## **MEMORANDUM OF OBJECTS AND REASONS**

### **Statement of the objects and reasons of the Bill**

This Bill seeks to amend the Persons with Disabilities Act so as to-

- (a) oblige the National Council for Persons with Disabilities to submit an annual report to the Senate, the National Assembly and the Cabinet Secretary responsible for matters relating to persons with disabilities detailing-
  - (i) its activities in respect of that financial year;
  - (ii) the extent to which the National and County Governments have complied with the provisions of the Constitution and this Act on matters relating to persons with disabilities;
  - (iii) the steps proposed to be taken in the new financial year to ensure compliance with the provisions of the Constitution and this Act on matters relating to persons with disabilities; and
  - (iv) any other relevant information.
- (b) provide that the National and County Governments shall reserve at least five percent of state and public service positions for persons with disabilities; and
- (c) provide for provision by the National and County Governments, of the necessary facilities to persons with disabilities.

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

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

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

The Bill concerns county governments in terms of Article 110(1)(a) of the Constitution. The amendments that are proposed are intended to promote and ensure the full realization of the rights of persons with disabilities at the national and county levels of government.

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

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 28th February, 2014

PAUL BEN NJOROGI,  
*Senator.*

*Section 10 of the Act that the Bill proposes to amend—*

**Annual report**

10. The Council shall prepare an annual report of its activities which shall be presented to the Minister and all other Government agencies involved in the work of the Council.

*Section 13 of the Act that the Bill proposes to amend—*

**Reservation of Employment**

13. The Council shall endeavour to secure the reservation of five percent of all casual, emergency and contractual positions in employment in the public and private sectors for persons with disabilities.