

**THE UNIVERSITIES (AMENDMENT) ACT**

**No. of 2016**

**AN ACT of Parliament to amend the Universities Act, 2012 and for connected purposes**

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

1. This Act may be cited as the Universities (Amendment) Act, 2016. Short title.

2. Section 2 of the Universities Act, 2012 (in this Act referred to as the principal Act) is amended— Amendment of section 2 of No.42 of 2012.

(a) by deleting the definition of “accreditation” and substituting therefor the following new definition—

“accreditation” means the procedure by which the Commission recognises an institution as a University and as having fulfilled the prescribed criteria for mounting its academic programmes”;

(b) by deleting the definition of the word “programmes accreditation” and substituting therefor the following new definition—

“programme accreditation” means the process by which the Commission formally recognizes an academic programme of a University, including a foreign university”;

(c) by inserting the following new definitions in proper alphabetical sequence—

“academic programme” means the design of learning content which includes the intention, the structure of the content, the delivery mode, academic resources and assessment modes”;

“instrument of accreditation” means the Charter or Letter of Interim Authority establishing a university issued under this Act”;

“quality assurance” means the employment by a university of various measures and mechanisms developed by the Commission to assess, maintain and enhance standards of

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- (a) in subsection (1) by inserting the words "in such a manner as may be prescribed in guidelines issued by the Cabinet Secretary" immediately after the word "process" in paragraph (d); and
- (b) by inserting the following new subsections immediately after section (2)—

"(3) In making appointments under this section the appointing authority shall have regard to the objectives of the development of university education, ensuring that there are balanced competencies, gender equity, and the inclusion of stakeholders, persons with disabilities, the marginalized and other minority groups.

(4) The provisions of section (8) relating to the vacancy of office of the chairperson and members of the Commission shall apply with necessary modifications to the chairperson and members appointed under subsection (1) (a) and (d).

(5) The members of the Council appointed under section 36(1) shall at their first meeting after appointment determine by lot which two of their number shall vacate office after a period of three and four years respectively to ensure continuity in the activities of the Council.

(6) The provisions of the First Schedule shall apply with necessary modifications, to the conduct of the business and affairs of the Council."

17. Section 38 of the principal Act is amended in subsection (5) by inserting the words "for a period not exceeding three months" immediately after the word "Council".

Amendment of section 38 of No.42 of 2012. ✕

18. Section 41 of the principal Act is amended—

Amendment of section 41 of No.42 of 2012.

- (a) in subsection (1) by inserting the words "comprising of all students of the university" immediately after the word "association";
- (b) by inserting the following new subsections immediately after subsection (1)—
  - (1A) A students' association shall be governed by a students' council comprising o—

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- (a) a Chairperson;
- (b) a Vice Chairperson who shall be of opposite gender with the Chairperson;
- (c) a Treasurer;
- (d) a Secretary-General who shall be the secretary to the Council; and
- (e) three other members to represent special interests of students.

(1B) Every students' council shall be elected in accordance with this Act and its membership shall—

- (a) reflect national diversity; and
- (b) have not more than two-thirds of its members being of the same gender.

(1C) For purposes of conducting the election of the members of the student council referred to in subsection (1A), the students' association shall constitute itself into electoral colleges based on either academic departments, schools or faculties, as may be appropriate.

(1D) The students of each electoral college constituted under subsection (1C) shall elect three representatives—

- (a) from amongst persons who are not candidates under subsection (1A); and
- (b) of whom not more than two-thirds shall be of the same gender.

(1E) The representatives of each electoral college shall elect the members of the student council within thirty days of the election under subsection (1D).

(1F) A member of the student council shall hold office for a term of one year and may be eligible for re-election for one final term.

(1G) A person who has held office as a member of the student council of a University for two terms is disqualified from election as a member of the student council of any other University or constituent college in Kenya.

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(1H) Every students' association shall, in consultation with the University, formulate and enact rules to govern the conduct of elections including regulation of campaigns, election financing, offences and penalties.

(1I) An election conducted pursuant to this section shall comply with the general principles of the Kenyan electoral system under Article 81 of the Constitution and the rules governing the election of members of the student council.

(c) by deleting subsection (3).

19. Section 51 of the principal Act is amended in section (2) (f) by —

Amendment of section 51 of No.42 of 2012.

- (a) inserting the words "or audit" immediately after the word "accreditation; and
- (b) deleting the words "state which shall not be published without the prior consent of the university concerned" and substituting therefor the words "which shall be published upon the Commission issuing notice to the university concerned".

20. Section 54 of the principal Act is amended in subsection (4) by—

Amendment of section 54 of No.42 of 2012.

- (a) deleting the word "universities" appearing in paragraph (b) and substituting therefor the words "public universities and issue conditional grants to private universities;"
- (b) deleting the word "universities" appearing in paragraph (c) and substituting therefor the words "public universities and issuance of conditional grants to private universities;"
- (c) deleting the words "public universities, establish" appearing in paragraph (d) and substituting therefor the words "Chairpersons of Councils of public universities, propose and establish for approval by the Cabinet Secretary and the Auditor-General";
- (d) deleting subsection (6); and
- (e) deleting subsection (7).