

THE KENYA SCHOOL OF COMMUNICATION BILL, 2024

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WORKING DRAFT

THE KENYA SCHOOL OF COMMUNICATION BILL, 2024

A Bill for

AN ACT of Parliament to provide for the establishment of the Kenya School of Communication; to provide for its administration, functions and powers and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

Short title.

1. This Act may be cited as the Kenya School of Communication Act, 2024.

Interpretation.

2. In this Act, unless the context otherwise requires—

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to information and communication technology;

Campuses " means the former Campuses specified in the Schedule and such other campuses as the Council may, declare to be campuses of the School under section 3(4);

“certification” means the formal recognition of meeting the standards and qualifications, in media practice, established by the Council;

“Chief Executive Officer” means the Chief Executive Officer appointed under section 12;

“Council” means the Council of the Kenya School of Communication established under Section 5;

*LN. No.
197/2011*

“Institute” means the institute established under section 3 of the Kenya Institute of Mass Communication Legal Notice number 197/2011;

“media practitioner” means any person who not being a journalist engages in the practice of journalism or being an employee of a media enterprise, engages in the writing, editing or dissemination of news or information to the public, through

print media, broadcast, the internet or any other person recognized as such by the Council;

“School” means the Kenya School of Communication established under section 3;

**PART II—ESTABLISHMENT AND
ADMINISTRATION OF THE SCHOOL**

Establishment
of the School

3.(1) There is established the Kenya School of Communication.

(2) The School is a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) entering into contracts;
- (d) generating, investing, borrowing and lending money; and
- (e) doing or performing all other things or acts necessary for the proper performance of its functions under this Act, that may be lawfully done or performed by a body corporate.

(3) The School shall be a successor of the Institute.

(4) The School shall include such other campuses, faculties and institutions as the Council may establish.

(5) The Campuses specified in the Schedule shall be deemed to be campuses of the School established under subsection (4).

Functions of
the School

4.(1) The School shall provide learning and development in matters relating to communication and creative arts.

(2) Without prejudice to the generality of subsection (1), the School shall—

- (a) provide learning and training leading to the award of post graduate diplomas, diplomas, certificates or such other qualifications as the Council may determine;
- (b) provide specialized training for media practitioners;
- (c) promote continuous learning for public service communication in government;
- (d) conduct examinations for such academic awards as the Council may, from time to time determine;
- (e) provide continuous professional development in media and mass communication;
- (f) produce and disseminate programs in communication, creative arts and mass media;
- (g) partner and collaborate with other learning institutions to provide education and training in matters related to creative arts and communication;
- (h) provide research and consultancy services on matters relating to Communications, creative arts and mass media;
- (i) conduct research and development in the communication industry; and
- (j) perform any other functions that may be assigned by the Cabinet Secretary as may be prescribed by any other written law.

Council of the
School

5.(1) The management of the School shall vest in a Council which shall consist of—

- (a) the chairperson appointed by the President;
- (b) the Principal Secretary for matters relating to broadcasting and telecommunication or a designated representative appointed in writing;
- (c) the Principal Secretary for matters relating to National Treasury or a designated representative appointed in writing;

- (d) the Principal Secretary for matters relating to technical and vocational education and training or a designated representative appointed in writing;
- (e) the Attorney General or a designated representative appointed in writing;
- (f) four other persons, not being public officers, appointed by the Cabinet Secretary; and
- (g) the Chief Executive Officer who shall be an *ex officio* member.

(2) A person is qualified for appointment as the Chairperson if the person—

- (a) holds at least an undergraduate degree from a university recognized in Kenya;
- (b) has at least ten years' experience in leadership and management; and
- (c) meets the requirements of Chapter Six of the Constitution.

(3) A person shall be qualified for appointment as a member of the Council under subsection (1)(f) if the person—

- (a) holds at least an undergraduate degree from a university recognized in Kenya;
- (b) possesses at least seven years' experience in any relevant field; and
- (c) meets the requirements of Chapter Six of the Constitution.

(4) A person shall not be qualified for appointment as the chairperson or as a member if the person—

- (a) is an undischarged bankrupt;
- (b) has been convicted of a criminal offence and sentenced to at least six months imprisonment; or

(c) has been removed from any public office for contravening the provisions of the Constitution or any other written law.

(5) The appointment under paragraph 1(a) and (f) shall be based on merit, industry experience, special knowledge, profession, or skill which shall be of benefit to the school.

(6) A member of the Council appointed under paragraph (a) and (f) shall hold office for a term of three years and shall be eligible for reappointment for one further term.

(7) The appointment of the chairperson and members of the Council appointed under paragraph (1)(f) shall be by notice in the *Gazette*.

(8) A member of the Council shall be paid such allowances as the Cabinet Secretary may in consultation with the Salaries and Remuneration Commission determine.

(9) The members of the Council shall be appointed in a manner to ensure at different dates so that the respective expiry dates of their terms of office shall fall on different dates.

Vacation of
office

6.(1) A member of the Council shall cease to hold office—

- (a) upon the expiry of their term of appointment;
- (b) upon resignation;
- (c) if absent without the permission of the Chairperson from three consecutive meetings of the Council;
- (d) upon death;
- (e) if convicted of an offence and sentenced to imprisonment for a term exceeding six months;
- (f) if adjudged bankrupt; or
- (g) if is incapacitated by prolonged physical or mental illness and incapable of discharging their duties

(2) Where a vacancy occurs in the membership of the Council under subparagraph (1), the appointing authority shall

appoint a new member in accordance with the provisions of this Act.

(3) An appointment to fill a vacancy shall be for the remainder of the term of the member being replaced and the new member shall be eligible for reappointment for one further term.

Functions of
the Council

7. The Council shall—

- (a) approve and oversee the implementation of projects, programs, strategies and policies of the School;
- (b) ensure that the School complies with all the relevant laws, regulations, governance practices, accounting procedures and auditing standards;
- (c) develop statutes for the administration of the School;
- (d) consider and approve the budget of the School;
- (e) promote and maintain standards, quality and relevance in education and training in the School in accordance with this Act and any other written law;
- (f) monitor performance and ensure effective and efficient utilization of the resources of the School;
- (g) approve the appointment criteria and the terms and conditions of service for staff;
- (h) mobilize resources for the School;
- (i) approve training programmes;
- (j) approve the scale of fees payable by or in respect of students at the School;
- (k) regulate the admission and exclusion of students from the institutions, subject to a qualification's framework and the provisions of this Act;
- (l) oversee the conduct of education and training in the School in accordance with the provisions of this Act and any other written law;

- (m) in consultation with the academic board, make, regulations governing the conduct and discipline of students of the school;
- (n) on behalf of the school enter into partnerships and collaboration with other training institutions as the Council may deem necessary and appropriate; and
- (o) carry out any other function for purposes of promoting and facilitating the objects of the School;

Powers of the Council

8.(1) The Council shall have all powers necessary for the proper performance of the functions of the School under this Act, in particular, the Council shall have powers to—

- (a) acquire, manage, control administer or dispose assets of the School in a manner and for the purposes which shall promote the interests of the School;
- (b) establish a subsidiary company, a joint venture or any other special purpose vehicle for purposes of discharging the mandate of the School;
- (c) allocate resources for capital and recurrent expenditure and for the reserves of the School;
- (d) receive, on behalf of the School, grants, gifts, donations, or other moneys endowments and make legitimate disbursements therefrom in accordance with the law;
- (e) open such bank accounts for the funds of the School as may be necessary;
- (f) charge fees and levies; and
- (g) invest any of the funds of the School not immediately required for its purposes.

Conduct of business for the Council.

9.(1) The business and affairs of the Council shall be conducted in accordance with section 8 of the State Corporation Act.

Cap 446

(2) The Council may regulate its own procedure.

Delegation of functions and powers.

10.(1) The Council may, in writing, delegate the exercise of any of the powers or the performance of any of the functions of the Council under this Act.

(2) Any function or power delegated under this section shall be performed and exercised in the name and on behalf of the School.

Committees of the Council

11.(1) The Council may, for effective discharge of its functions establish committees.

(2) The Council may, by resolution either generally or in any particular case, delegate to a committee of the Council exercise of any of the powers or the performance of any of the functions or duties of the Council under this Act.

(3) The Council may co-opt into the membership of a committee established under subsection (1), any person whose knowledge and skills are considered necessary for the effective discharge of the functions of the school.

(4) Any person co-opted into a Committee under subsection (3) may attend the meetings of the Committee and participate in its deliberations, but shall not vote at such meeting.

Chief Executive Officer

12.(1) The Council shall, through an open and competitive process, appoint a suitably qualified person to be the Chief Executive Officer of the School in consultation of the Cabinet Secretary.

(2) A person is qualified to be appointed as the Chief Executive Officer, if that person—

- (a) holds a postgraduate degree from a university recognized in Kenya in any relevant field;
- (b) has at least ten years working experience, five of which must be at a senior managerial level; and
- (c) meets the requirements of Chapter Six of the Constitution.

(3) The Chief Executive Officer shall be responsible to the Council for—

- (a) the day-to-day management of the School;

- (b) implementation of the decisions of the Council;
- (c) managing the funds, property and affairs of the School;
- (d) the supervision of the staff of the School;
- (e) preparation of strategies, policies and programs, for the consideration of the Council;
- (f) implementation of the strategies, programs and policies, of the School; and
- (g) performing any other function incidental to the functions of the School as may be assigned by the Council.

(4) The Chief Executive Officer shall be appointed for a term of four years and shall be eligible for reappointment for one further term.

(5) The Council may terminate the appointment of the Chief Executive Officer in accordance with the terms and conditions of service for—

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct;
- (c) negligence of duty; or
- (d) any other ground that may justify the removal from office under the terms and conditions of service.

Delegation of
power
by the Chief
Executive
officer

13.(1) The Chief Executive Office may, from time to time, in writing, either generally or particularly, delegate the exercise of any powers or the performance of any duties conferred on him by or under this Act to such person as he may deem fit, but such delegation shall not affect the exercise of such powers or performance of such duties by the Chief Executive Officer

(2) Any act done pursuant to a power delegated under subsection (1) shall have the same effect as if done by the Chief Executive Officer.

Corporation
secretary.

14.(1) The Council shall, through an open and transparent process appoint a suitably qualified person to be the corporation secretary.

(2) The corporation secretary shall—

(a) be the secretary to the Council; and

(b) perform such other duties as the Council may direct.

(3) The corporation secretary shall be responsible to the Chief Executive Officer in the performance of their duties under this Act.

Academic
Board

15.(1) There shall be an Academic Board of the School which shall consist of—

(a) the Chief Executive Officer, who shall be the chairperson;

(b) persons in charge of academic affairs;

(c) the person in charge of advancement and placement;

(d) the person in charge of student welfare;

(e) the person in charge of legal services;

(f) head of the School's campuses; and

(g) two students, of the opposite gender, elected by the student.

(2) The student members elected under subsection (1)(g) shall not attend meetings of the Academic Board on—

(a) matters relating to examination;

(b) matters relating to discipline of students; or

(c) matters which the Chief Executive Officer may consider to be confidential.

(3) The Chief Executive Officer may coopt into the Academic Board any person whose knowledge and skills are

considered necessary for the effective discharge of its functions.

(4) A person in charge of academic affairs shall be the secretary of the Academic Board.

(5) The Academic Board shall —

- (a) oversee the development and review of academic programs and curriculums and report to the Council;
- (b) propose regulations for consideration by the Council regarding the eligibility for admissions, students' welfare and standard of proficiency to be attained in each examination for the award of a certificate, diploma or other awards of the Institute;
- (c) determine persons who have attained the prescribed standard of proficiency and are otherwise fit to be granted a postgraduate diploma, diploma, certificate or other award of the Institute and to report its decision thereon to the Council;
- (d) establish and uphold academic standards and policies to maintain the quality and integrity of education provided by the School;
- (e) implement academic policies and regulations governing various aspects of student academic life, including admissions, attendance, progressions, credit transfers, recognitions, exchange programs grading, academic conduct, and academic appeals; and
- (f) develop the academic calendar and academic programs of studies for the approval of the Council;
- (g) settle academic matters within the campuses and to deal with academic disputes;
- (h) to receive and approve examination results;

Staff of the
School

16.The School shall appoint such staff as it may be necessary for efficient discharge of its functions.

Seal and
execution of
documents

17.(1) The common seal of the School shall be kept in the custody of the Corporation Secretary.

(2) The common seal shall not be affixed to any instrument or document except as may be authorized by the Council.

(3) The affixing of the common seal of the School shall be authenticated by the signature of the Chairman and the Chief Executive officer.

The Alumni Association

18.(1) There shall be an Alumni Association of the College comprising past graduates and such other persons as may be prescribed by rules made by the Council.

(2) The Alumni Association shall meet from time to time and discuss any matters relating to the School and by resolutions adopted at such meetings make appropriate recommendations to the Council, and may assist the School in raising funds for the College, and perform such other functions as the Association may deem necessary in the interest of the School.

PART III—FINANCIAL PROVISIONS

Funds of the School

19.(1) The funds of the School shall include—

- (a) such monies as may accrue or vest in the School in the course of the exercise of its powers or the performance of its functions under this Act or any other written law;
- (b) such sums as may be payable to the School pursuant to this Act or any other written law;
- (c) such sums as may be appropriated by Parliament for the purposes of the School; and
- (d) gifts, grants or donations made to the School.

Financial year

20. The financial year for the School shall be a period of twelve months ending on the thirtieth June in each year.

Annual estimates

21.(1) The Council shall cause to be prepared estimates of the income and expenditure of the School for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the School for the financial year concerned, and in particular shall provide for estimated

revenue and expenditure of the School for the relevant financial year.

Accounts and
audit

22.(1) The Council shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the School.

Cap 412A

(2) The accounts of the School shall be audited and reported upon in accordance with the Public Audit Act, 2015 and the Public Finance Management Act, 2012.

Cap 412B

Annual report

23.The Council shall, within three months after the end of each financial year, prepare and submit to the Cabinet Secretary a report of the operations of the School for the immediately preceding financial year.

PART IV—MISCELLANEOUS PROVISIONS

Regulations

24.(1)The Cabinet Secretary may make regulations generally for giving effect to this Act, and for prescribing anything required or necessary to be prescribed by or under this Act.

(2) For the purposes of Article 94 (6) of the Constitution—

(a) the purpose and objective of the delegation under this section is to enable the Cabinet Secretary to make regulations for better carrying into effect the provisions of this Act; and

(b) the authority of the Cabinet Secretary to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section.

(3) The principles and standards applicable to the delegated power referred to under this Act are those found in—

Cap 2A

(a) the Statutory Instruments Act, 2013;

Cap 2

(b) the Interpretation and General Provisions Act;

(c) the general rules of international law as specified under Article 2(5) of the Constitution; and

- (d) any treaty and convention ratified by Kenya under Article 2(6) of the Constitution.

Offences and penalties

25.(1) A person who knowingly provides false information to the School in making an application for registration or admission commits an offence and shall be liable on conviction to imprisonment of a term not exceeding one year or fine not exceeding one hundred thousand shillings or both.

Transitional and savings

26.On the Commencement date of this Act—

- (a) the Chairperson and members of the Council of the Institute shall continue to serve as the as the Chairperson and members of the Council, respectively and shall serve for the remainder of their term;
- (b) the Chief Executive Officer of the Institute shall continue to serve as the Chief Executive Officer of the School and shall serve for the remainder of the term;
- (c) the staff of the Institute shall continue to serve as the staff of the School on the same terms and conditions of service;
- (d) all contracts, rights, duties, obligations, assets and liabilities of the Institute shall vest to the School;
- (e) any reference to the Institute in any contract or document shall for all intents and purposes be deemed to be a reference to the School;
- (f) any certificate, issued by the Institute in exercise of its functions shall be taken to have been issued by the School under this Act;
- (g) all actions, suits or legal proceedings pending by or against the Institute shall be carried on or prosecuted by or against the School; and
- (h) the pension scheme established by the Institute shall be the pension scheme of the School.

Revocation of L.N 197 of 2011

27.The State Corporation (Kenya Institute of Mass Communication) Order, 2011 is hereby revoked.

FIRST SCHEDULE

s. 3(4)

EXISTING CAMPUSES

1. The Kenya Institute Of Mass Communication Eldoret Campus

WORKING DRAFT

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to transition the Kenya Institute of Mass Communication into the newly constituted Kenya School of Communication. The enactment of the Bill will significantly enhance the capability of the Kenya School of Communication to provide high-quality education and training in media and communications. This will significantly professionalize the communication and creative arts sector and effectively contribute to the knowledge economy. Lastly, the Bill collectively ensures that Kenya Institute of Mass Communication is established on a firm legal and operational foundation.

The various clauses of the Bill are as follows:

Clause 1 of the Bill provides for the short title, which names the Act as the Kenya School of Communication Act, 2024.

Clause 2 of the Bill defines key terms used within the Bill to ensure clarity and coherence in the interpretation and application of the Act.

Clause 3 of the Bill proposes the establishment of the Kenya School of Communication as a body corporate, replacing the Kenya Institute of Mass Communication.

Clause 4 of the Bill lays out the primary functions of the School. These include providing training and education, certifying media practitioners, conducting research, and engaging in collaborations with other educational institutions.

Clause 5 of the Bill proposes the establishment and composition of the Council of the School. It details the appointment and qualifications of its members, which is essential for effective governance and oversight.

Clause 6 of the Bill provides for the conditions under which a member may vacate their office.

Clause 7 of the Bill specifies the functions which are specific to the Council, including the approval of budgets and academic programs.

Clause 8 of the Bill grants the Council specific powers necessary for the proper performance of the School's functions, including managing assets, forming subsidiaries, and investing funds.

Clause 9 of the Bill details the procedural rules for conducting the business of the Council.

Clause 10 of the Bill provides for the Council to establish committees of the Board for the effective discharge of its functions.

Clause 11 of the Bill outlines the role and responsibilities of the Chief Executive Officer who is charged with the management of the School's daily operations.

Clause 12 of the Bill provides for the delegation of powers by the Chief Executive Officer to other staff members as necessary.

Clause 13 of the Bill establishes the position of corporation secretary, detailing their duties as the secretary to the Council and their accountability to the Chief Executive Officer.

Clause 14 of the Bill sets up an Academic Board, led by the Chief Executive Officer, to oversee the academic integrity and standards of the School. This Board is responsible for developing academic programs, managing examinations, and upholding educational quality.

Clause 15 of the Bill mandates the School to appoint necessary staff to fulfill its functions effectively, ensuring that the School is adequately resourced.

Clause 16 of the Bill details the protocol for the use of the School's seal, specifying that it must be authenticated by signatures from designated authority.

Clause 17 of the Bill outlines the composition and sourcing of the School's funds, including appropriations from Parliament, grants, donations, and other lawful accruals.

Clause 18 of the Bill establishes an Alumni Association of the College comprising past graduates and such other persons as may be prescribed by rules made by the Council .

Clause 19 of the Bill defines the financial year of the School as ending on June 30th each year, aligning the School's financial reporting with standard governmental fiscal periods.

Clause 20 of the Bill requires the Council to prepare annual financial estimates that provide for all expected income and expenditure.

Clause 21 of the Bill stipulates that the School's accounts are to be kept in proper order and audited annually in accordance with relevant laws and in compliance with public financial management standards.

Clause 22 of the Bill mandates the School to prepare and submit an annual report to the Cabinet Secretary, detailing its operations and financial status.

Clause 23 of the Bill provides for the making of the Regulations by the Cabinet Secretary to effectively implement the provisions of the Act.

Clause 24 of the Bill addresses transitional provisions to ensure a seamless transfer of assets, liabilities, and personnel from the Kenya Institute of Mass Communication to the Kenya School of Communication. This ensures safeguarding continuity and stability.

Clause 25 of the Bill revokes previous legal notice establishing the Kenya Institute of Mass Communication.

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

The Bill delegates legislative powers to the Cabinet Secretary responsible for matters relating to information and communications technology to make Regulations to operationalize the provisions of the Bill. The Bill does not limit fundamental rights and freedoms.

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

The Bill is a Money Bill in terms of Article 114 of the Constitution. The enactment of this Bill will occasion additional expenditure of public funds as it seeks the appropriation of monies by Parliament towards the funds of the Authority.

Statement as to whether the Bill concerns a County Government

This Bill does not concern county governments in terms of Article 110(1) (a) of the Constitution as it does not affect the functions and powers of county governments as set out in the Fourth Schedule to the Constitution.

Dated....., 2024.

Eliud Owalo

*The Cabinet Secretary, Ministry of Information Communication
and Digital Economy*