

REPUBLIC OF KENYA



**COUNTY ASSEMBLY OF SIAYA
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FIRST ASSEMBLY– FOURTH SESSION-2016

**THE SIAYA COUNTY EARLY CHILDHOOD EDUCATION
BILL, 2016**

**AMENDMENTS FROM THE COMMITTEE ON EDUCATION,
YOUTH AFFAIRS, GENDER AND SOCIAL SERVICES**

**CLERK'S CHAMBERS,
ASSEMBLY BUILDINGS,**

SIAYA

FEBRUARY, 2016

1.0 PREFACE

Mr. Speaker Sir,

It is my honour and pleasure to present to this Honourable House, the report of the Committee on Education, Youth Affairs, Gender and Social Services on the Siaya County Early Childhood Education Bill, 2016.

Mr. Speaker Sir,

Article 185(1) of the Constitution of Kenya, 2010 stipulates that the legislative authority of a County is vested in, and exercised by the County Assembly. Article 185 (2) further provides that a County Assembly may make any laws that are necessary for or incidental to the effective performance of the functions and exercise of the powers of the County Government under the Fourth Schedule. Section 9 of Part 2 of the Fourth Schedule to the Constitution of Kenya, 2010 provides for an array of functions including provision of pre-primary education, village polytechnics, home craft centres and childcare facilities among others. It is in this regard that County Governments are expected to make legislations to enable them to effectively discharge the envisaged functions.

The County Government of Siaya has developed the Siaya County Early Childhood Education Bill, 2016 to primarily provide a legal framework for the establishment of the systems of Administration for early childhood Education in Siaya County.

2.0 COMMITTEE MEMBERSHIP

The Committee on Education, Youth Affairs, Gender and Social Services was constituted by the House on Tuesday 30th April, 2013. The Committee comprises of the following Members:-

NO	NAME	DESIGNATION	SIGN
1.	HON. LORNA. A. O. ADIDA	CHAIRPERSON	
2.	HON. ANDREW OMWENDE	VICE CHAIRPERSON	
3.	HON. ERIC ODUYA NDONJI	MEMBER	
4.	HON. CHARLES OMOLLO KOWII	MEMBER	
5.	HON. BOOKER OTIENO MINAMI	MEMBER	
6.	HON. MARY.C.AJWANG	MEMBER	
7.	HON. JOSHUA OSURI	MEMBER	
8.	HON. NICHOLAS WERE	MEMBER	
9.	HON. ROSEMARY OGUTU	MEMBER	
10.	HON. ZILPAH OMONDI	MEMBER	
11.	HON. WALTER OKELLO	MEMBER	

3.0 COMMITTEE MANDATE

The Committee on Education, Youth Affairs, Gender and Social Services is one of the Sectoral Committees established under Standing Order No.192 read together with the Second Schedule of the County Assembly Standing Order.

The Committee Mandate includes but not restricted to:

- i) Study and review all county legislation referred to it
- ii) Make reports and recommendations to the County Assembly as often as possible, including recommendations of proposed legislation.

4.0 EXECUTIVE SUMMARY

Mr. Speaker Sir,

The Siaya County Early Childhood Education Bill, 2016 went through its first reading on Tuesday, 9th February 2016 and was committed to the Committee on Education, Youth Affairs, Gender and Social Services. The Committee organized several stakeholders meetings to look deeply into the Bill. The committee met in Namsagali Hotel –Siaya on Thursday, 11th February with the legal experts, CEC, CO – Education, the Director responsible for Education and Vocational Training together with his counter part in Sports Culture and Social Services to analyze the Bill and have a common understanding before subjecting the Bill to Public participation.

Mr Speaber Sir,

County Assembly Standing Order 121(1) clearly spells out that A Bill having been read a First Time shall stand committed to the relevant Sectoral Committee without question put. Standing Order 121 (3) further elucidates that The Sectoral Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the committee makes its report to the County Assembly. In this regard, the Committee took the Bill to the Public on Friday 12th February in Bondo and Ugunja Sub-Counties to provide a forum for the public to air their views on the Bill before submitting the final report in the Assembly.

Mr Speaker Sir,

The Siaya County Early Childhood Education Bill 2016, is majorly domiciled on the Administration of Early Childhood Education. The Bill is buttressed with The Siaya County Pre-Primary Education Bill, 2016 which dominantly captures the Management of Pre-Primary Education and Schools. Allow me to inform this Honorable House that your esteemed office had rolled out the wheels of processing the later Bill by committing it to Education Committee on Wednesday 10th February, 2016 pursuant to County Assembly Standing Order 121(1). In this regard, the onus of processing the Pre-Primary Education Bill, 2016 rests with the Committee. In line with County Assembly Standing Order 121(3), the committee will facilitate public participation to take into account the views and recommendations of the public before making its final report in the County Assembly within twenty days.

THE SIAYA COUNTY EARLY CHILDHOOD EDUCATION BILL, 2016

Bill committed to the Committee on Education, Youth Affairs, Gender and Social Services.

AMENDMENTS FROM THE COMMITTEE AND MEMBERS OF THE PUBLIC

The Long title

Amend the long title by inserting the sentence ‘a framework for the establishment of the systems of administration’ to read ‘AN ACT of the County Assembly of Siaya to provide a framework for the establishment of the systems of administration for Early Childhood Education in Siaya County and for other connected purposes’.

PART II – RESPONSIBILITIES RELATING TO EARLY CHILDHOOD EDUCATION

Section 9: Head of Directorate of Early Childhood Education

Section 9 of the Bill is amended in Sub-section (2b) by deleting the word ‘Education’ and inserting the word ‘Early Childhood Education’

PART III – REGISTRATION OF EARLY CHILDHOOD EDUCATION CENTRES

Section 13: Childhood Education Centres to be registered

Section 13 of the Bill is enhanced in sub- section 3 by adding custody sentence of ‘1 year jail term or both’ at the end of the statement

Section 14: Application for registration

Section 14 of the Bill is amended in Sub-section (3) by deleting the word ‘second directorate’ and inserting the word ‘County Education Board’

Section 19: Registration Certificate

Section 19 of the bill is enhanced in sub- section (2) by adding the sentence; ‘however it can be revoked subject to non- compliance’ at the end of the statement

PART IV – POWERS OF ENTRY AND INSPECTION

Section 23: Powers of Entry and Inspection with Warrant

Section 23 of the Bill is amended in sub- section (1) by Deleting 25 and inserting 22

PART V – PROVISIONS ON FUNDING

Section 25: Funding Early Childhood Education Services

Section 25 of the Bill is enhanced in sub-section (2) by adding the sentence ‘on recommendation by the County Education Board’ at the end of the statement

PART VI – MISCELLANEOUS PROVISIONS

Section 27: Offences relating to ceasing operation of a centre

Sub section (2) of the Bill is enhanced by inserting the sentence ‘3 months jail term or both’ at the end of the statement

Section 28: Offence of insulting, abusing or intimidating staff

Section 28 of the Bill is amended by deleting the word ‘staff ‘ from the title to read ‘Offence of insulting, abusing or intimidating’.

Section 28 of the Bill is further amended by sub-dividing it into sub-section (a) and (b)

Sub-section (a); Teacher or member of Staff

To read ‘a person who intentionally insults, abuses, or intimidates a teacher or member of staff of a centre commits an offence, and is liable, on conviction, to a fine not exceeding fifty thousand shillings or 3 months jail term or both

Sub-section (b); Child

To read ‘a person who intentionally insults, abuses, or intimidates a child of a centre commits an offence, and is liable, on conviction, to a fine not exceeding fifty thousand shillings or 3 months jail term or both

Section 29: Offence of Obstructing Power of Entry

Section 29 of the Bill is enhanced by adding ‘1 year jail term or both’ at the end of the statement

Mr. Speaker Sir, I now call upon Honorable Members of this House to adopt this report.

Signed:

Date:

Hon. Lorna A.O. Adida

Chairperson

Education, Youth Affairs, Gender and Social Services Committee

Signed:

Date:

Misoloh .A.E

Committee Clerk

Education, Youth Affairs, Gender and Social Services Committee