NATIONAL COUNCIL FOR LAW REPORTING LIBRARY

SPECIAL ISSUE

Kenya Gazette Supplement No. 197 (National Assembly Bills No. 49)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

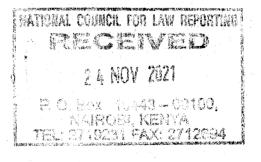
NATIONAL ASSEMBLY BILLS, 2021

NAIROBI, 29th October, 2021

CONTENT

Bill for Introduction into the National Assembly-

PAGE



PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

1363

THE CHILDREN (NO. 2) BILL, 2021 ARRANGEMENT OF CLAUSES

Clause

PART I - PRELIMINARY

1. Short title

2. Interpretation

3. Overriding objectives of the Act

PART II – SAFEGUARDS FOR THE RIGHTS AND BEST INTERESTS OF THE CHILD

- 4. Realisation of the rights of the child
- 5. Survival and development of the child
- 6. Name and nationality
- 7. Best interests of the child
- 8. Non-discrimination
- 9. Differential treatment not discriminatory
- 10. Right to parental care
- 11. Right to social security
- 12. Right to education
- 13. Right to leisure, recreation and play
- 14. Right to religious education
- 15. Right to healthcare
- 16. Right to inheritance
- 17. Protection from child labour
 - 18. Protection from armed conflicts
 - 19. Rights of children with disabilities
 - 20. Protection from abuse, etc.
 - 21. Protection from harmful cultural rites, etc.
 - 22. Protection from illicit drugs and substance abuse
 - 23. Right to freedom from torture, etc.
 - 24. Detention of children in conflict with the law

- 25. Privacy
- 26. Right to assemble, demonstrate, picket, petition and participate in public life
- 27. Enforcement of rights under this Part

PART III- PARENTAL RESPONSIBILITY

- 28. Parental responsibility
- 29. Who has parental responsibility
- 30. Parental responsibility agreement, etc.
- 31. Transmission of parental responsibility
- Extension of responsibility beyond eighteenth birthday
- 33. Regulations and guidelines

PART IV – ADMINISTRATION OF CHILDREN'S SERVICES

- 34. Establishment of the National Council for Children's Services
- 35. Functions of the Council
- 36. Composition of the Council
- 37. Term of appointment
- 38. Vacancy of office of the Chairperson and members

6

- 39. Terms and conditions of service
- 40. Committees of the Council
- 41. Staff of the Council
- 42. The common seal of the Council
- 43. Protection from personal liability
- 44. Proceedings against the Council
- 45. Powers of the Council
- 46. Regulations by the Council
- 47. County Advisory Committees
- 48. Sub County Advisory Committees
- 49. Funds of the Council

V

- 50. Annual estimates
- 51. Financial year of the Council
- 52. Accounts and Audit of the Council
- 53. Annual reports of the Council
- 54. Director and officers of the Directorate of Children Services
- 55. Powers of the Director
- 56 Qualifications of the Director
- 57. Penalty for obstruction
- 58. The role of county governments
- 59. County government welfare schemes

PART V – CHILDREN INSTITUTIONS

- 60. Establishment of Children Rescue Centres
- 61. Establishment of Child Protection Centres
- 62. Establishment of Child Protection Units
- 63. Establishment of Charitable Children's Institution, etc.
- 64. Requirement for registration of certain applicants
- 65. Manager and staff of a Charitable Children's Institution
- 66. Overriding objectives of Charitable Children's Institutions
- 67. Certain institutions not deemed to be Charitable Children's Institutions
- 68. Change of user prohibited

ð

- 69. Criteria for approval of programmes
- 70. Placement of children in a Charitable Children's Institution
- 71. Duty to maintain a child in a Charitable Children's Institution
- 72. Director to monitor the wellbeing of children
- 73. Appointment and powers of approved officers

ι.

- 74. Inspection of Charitable Children's Institution
- 75. Duty to notify the Council
- 76. Review of child welfare programs
- 77. Deregistration of a child welfare programme
- 78. Establishment of Children's Remand Homes
- 79. Establishment of Rehabilitation Schools
- 80. Rehabilitation schools to establish separate sections
- 81. Managers to admit children into rehabilitation school
- 82. Leave of absence from school
- 83. Revocation of child's committal order
- 84. Transfers and supervision on release
- 85. Absconding children and children of different character
- 86. Removal of health institution
- 87. Authority to confine a child
- 88. Supervision of children rescue centre, child protection centre, children protection unit, charitable children institution, remand home and rehabilitation school.
- 89. Inspection committee
- 90. Regulations

PART VI - CHILDREN'S COURT

- 91. Jurisdiction of Children's Court
- 92. Friendly environment of Children's Court
- 93. Establishment of the Children's Court
- 94. Sitting of Children's Court
- 95. Power to make orders relating to privacy in proceedings
- 96. General principles with regard to proceedings in Children's Court
- 97. Provision of legal aid in certain cases
- 98. Power of Court to order production of reports