

SPECIAL ISSUE

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REPUBLIC OF KENYA

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NATIONAL ASSEMBLY BILLS, 2020

NAIROBI, 20th November, 2020

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Bill for Introduction into the National Assembly—

The Children (Amendment) Bill 2020

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THE CHILDREN (AMENDMENT) BILL, 2020

A Bill for

AN ACT of Parliament to amend the Children Act and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1 This Act may be cited as the Children (Amendment) Act, 2020

Short title

2 The Children Act, (in this Act referred to as the “principal Act”), is amended in section 24 by deleting subsection (3) and substituting therefor the following new subsection—

Amendment of section 24 of No 8 of 2001

“(3) Where a child’s father and mother were not married to at the time of the child’s birth the father and mother may by agreement (“a parental responsibility agreement”) provide for the parental responsibility of the Child

3 The principal Act is amended by repealing section 25

Repeal of section 25 of No 8 of 2001

4 Section 27 of the principal Act is amended subsection (2)—

Amendment of section 27 of No 8 of 2001

- (a) by deleting the words “if he has acquired parental responsibility under the provisions of this Act appearing in paragraph (a),
- (b) by deleting the words “who has acquired parental responsibility under the provisions of this Act” appearing in paragraph (b)

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to amend the Children Act, (No 8 of 2001) to be in conformity with the Constitution. The Bill seeks to vest equal responsibility for parental care and protection of a child in both the mother and the father whether they are married to each other or not. The Bill further provides that neither the father nor the mother of the child shall have a superior right or claim against the other in the exercise of such parental responsibility.

Clause 1 of the Bill provides for the short title.

Clause 2 of the Bill amends section 24 of the principal Act to make it mandatory for the father and mother of a child born to have parental responsibility of the child whether the parents were married at the time the child was being born or did not subsequently get married.

Clause 3 seeks repeal section 25 of the Children Act that provides for acquisition of parental responsibility by a father.

Clause 4 of the Bill seeks to amend section 27 of No 8 of 2001 as a consequential amendment to the repeal made in clause 4 and 5 above on the need for one to acquire parental responsibility.

Statement of how the Bill concerns County governments

The Bill does not concern county governments in terms of Article 110 (a) of the Constitution.

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

The Bill does not contain any provision limiting any fundamental rights or freedoms.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution

The enactment of this Bill shall occasion additional expenditure of public funds.

GEORGE PETER KALUMA,
Member of Parliament