

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 85 (National Assembly Bills No. 27)*



REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**NATIONAL ASSEMBLY BILLS, 2017**

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**NAIROBI, 30th May, 2017**

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**THE BASIC EDUCATION (AMENDMENT) BILL,  
2017**

**A Bill for**

**AN ACT of Parliament to amend the Basic Education  
Act and for connected purposes**

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

**1.** This Act may be cited as the Basic Education (Amendment) Act, 2017.

Short title.

**2.** The Basic Education Act is amended in section 2 by inserting the following words in their proper alphabetical sequence—

Amendment of  
section 2 of No.14  
of 2013.

“Public Private Partnership schools” means schools established and owned by private persons but managed by the Government or schools established and owned by the Government but managed by the private sector.

**3.** Section 43 of the Basic Education Act is amended—

Amendment of  
section 43 of No.14  
of 2013.

(a) in subsection (1) by inserting the following new paragraph immediately after paragraph (b)—

“(c) Public Private Partnership schools which are schools established and owned by—

(i) private persons but managed by the Government; or

(ii) the Government but managed by the private sector.

(b) in subsection (2) by inserting the words “Public Private Partnership schools” immediately after the words “private basic education institution”.

**4.** Section 95 of the Basic Education Act is amended in subsection (2) by inserting the following new paragraphs immediately after paragraph (f)—

Amendment of  
section 95 of No.14  
of 2013.

“(g) the management of the Public Private Partnership schools; and

(h) procedure for registration of new Public Private Partnership Schools.”

**MEMORANDUM OF OBJECTS AND REASONS**

The principal object of this Bill is to amend the Basic Education Act, No.14 of 2013 to provide for the establishment of Public Private Partnership schools, as a category of schools in Kenya apart from the public and private schools.

The proposed amendment is intended to improve the quality of education service delivery in Kenya since Public Private Partnership sponsored schools bring together the reach of the Government system with the innovation of the private sector so as to improve the quality of the education system as a whole.

The Bill is not a Bill concerning county governments.

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 30th May, 2017.

CHRIS WAMALWA,  
*Member of Parliament.*

*Section 2 of the principal Act which it is proposed to amend—*

## **2. Interpretation**

In this Act, unless the context otherwise requires—

“accreditation” means the procedure by which the accreditation agency formally recognizes the status of an institution offering basic education and confirms in writing by way of a documentation issued under this Act;

“adult” means an individual who has attained the age of eighteen years;

“adult and continuing education” means the learning processes within the perspective of lifelong learning in which an adult or out-of-school youth is granted an opportunity in an institution of basic education for purposes of developing abilities, enriching knowledge and improving skills;

“adult basic education” means basic education offered as a full-time or part-time course to a person who is above the age of eighteen years and includes education by correspondence, the media of mass communication and the use of libraries, museums, exhibitions or other means of visual or auditory communication for educational purposes and “Adult learning” shall be construed accordingly;

“basic education” means the educational programmes offered and imparted to a person in an institution of basic education and includes Adult basic education and education offered in pre-primary educational institutions and centres;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to Basic education and training;

“child” means an individual who has not attained the age of eighteen years;

“community” means persons residing in the neighbourhood of a basic education institution;

“County Director of Education” means a Director appointed under section 52;

“County Education Board” means a Board established as an agency of the national Government to serve the relevant county under section 17;

“curriculum” means all the approved subjects taught or programmes offered and includes all the activities provided at any institution of basic education;