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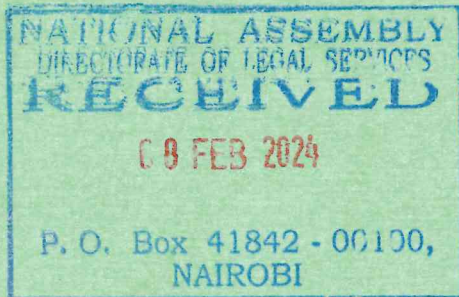
NAIROBI, 12th January, 2024

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THE KENYA SIGN LANGUAGE BILL, 2024**A Bill for**

AN ACT of Parliament to give effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d) and 120 of the Constitution; to establish the Kenyan Sign Language Council for the regulation of sign language interpretation in Kenya and to provide for the recognition, promotion and use of Kenyan Sign Language and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I – PRELIMINARY

1. This Act may be cited as the Kenya Sign Language Act, 2024.

Short title.

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

Interpretation.

“assistive device” includes support implements and tools provided to the Deaf, hard of hearing, and Deafblind to assist them in accessing information;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to language and culture;

“chairperson” means the chairperson of the Council;

“Council” means the Kenya Sign Language Council established under section 5;

“Deaf” means a person who is either born Deaf or became Deaf due to illness or a condition at a later stage of life;

“Deafblind” means a person who is either born Deaf and blind or became Deaf and blind due to illness or a condition at a later stage of life and uses tactile and Braille as a means of communication;

“Deaf community” includes a distinct group of people who are Deaf and who uses sign language as their first and preferred language of communication;

“disability” has the meaning assigned to it under Article 260 of the Constitution;

“financial year” has the meaning assigned to it under Article 260 of the Constitution;

“Gazette” has the meaning assigned to it under Article 260 of the Constitution;

“hard of hearing” means a person who is either born with a partial hearing loss or acquired a partial hearing loss due to illness or a condition at a later age;

“interpretation” means the process where an original source spoken or signed language is transferred into another target spoken or signed language;

“Kenyan Sign Language” means the sign language used for communication by the Deaf community in Kenya;

“language” includes spoken and signed languages and other forms of non-spoken languages;

“licensed deaf interpreter” means a person who has been registered to provide interpretation, translation and transliteration services through the use Kenyan Sign Language and other visual and tactile communication formats;

“Registrar” means the person appointed under section 18;

“sign language” means a form of visual or tactile language that uses manual signs that have structure or meaning like other languages;

“sign language interpreter” means a person who is licensed and has been registered and issued with a practicing certificate to provide Kenyan Sign Language interpretation services under this Act;

“support service” includes sign language interpreter, note taker and other specialized aide used by the Deaf community; and

“tactile” means a format that facilitate reading through the use of touch such as Braille, embossed maps or hand on hand feeling of sign language for the Deaf blind and the blind.

3. The object and purpose of the Act is to—

- (a) provide a framework for the recognition, promotion, research, preservation and development of the use of the Kenyan Sign

Object and Purpose.

Language as contemplated under Article 7(3)(b) and 120 of the Constitution;

- (b) facilitate access to information, educational institutions and facilities as contemplated under Article 54(1) of the Constitution;
- (c) provide a framework for the inclusion of the Deaf, hard of hearing and Deafblind community in all aspects of the society, in order to eliminate all forms of discrimination including in areas of communication, employment, information and education; and
- (d) regulate sign language interpretation in Kenya through registration of sign language interpreters.

4. (1) In discharging their functions and duties under this Act, the Cabinet Secretary, the Council, any state officer, state organ and any person administering this Act shall be guided by the following—

Guiding Principles.

- (a) values and principles enshrined in Articles 6(3), 10, 27(4), 28 and 35 of the Constitution;
- (b) the values and principles of Public Service set out in Article 232(1) of the Constitution;
- (c) the principles of leadership and integrity set out under Chapter Six of the Constitution; and
- (d) the general principles and rules of international law on the rights of persons with disability.

(2) Without prejudice to the generality of subsection (1), a person involved in the implementation of this Act shall have regard to the—

- (a) respect for inherent dignity, personal autonomy including the freedom to make one's own choices, and independence of persons;
- (b) non-discrimination and the full and effective participation and inclusion of the Deaf community in society;
- (c) respect for difference and acceptance of persons with disabilities and in particular the Deaf community as part of human diversity and humanity; and
- (d) equality of opportunity, accessibility and the respect for the evolving capacities of the Deaf child.

PART II—KENYA SIGN LANGUAGE COUNCIL

5. (1) There is established the Kenya Sign Language Council.

Establishment of the Council.

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

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

6. (1) The headquarters of the Council shall be in the Nairobi, but the Council shall ensure access to its services in all parts of the Republic in accordance with Article 6(3) of the Constitution.

Headquarters of the Council.

(2) Notwithstanding subsection (1), the Council may establish such units as it considers necessary for the proper discharge of its functions.

7. The Council shall—

Functions of the Council.

- (a) regulate the use and development of sign language in Kenya;
- (b) put in place measures for the recognition and preservation of the use of Kenyan Sign Language;
- (c) undertake research and create awareness on the culture and heritage of the Deaf community in Kenya;
- (d) set and enforce standards for the training, practice and use of Kenyan sign language and Kenya Sign Language interpretation;
- (e) register and license sign language interpreters in Kenya;
- (f) maintain a register and keep a record of all sign language interpreters registered under this Act;

- (g) protect and promote the right of the Deaf, hard of hearing and Deafblind community to equal access to information and communication, including the right to access to justice;
- (h) determine the minimum fees chargeable for the provision of services under this Act;
- (i) advise the Cabinet Secretary and county governments on matters relating to sign language;
- (j) develop and regulate ethical and disciplinary standards for sign language interpreters;
- (k) collaborate with other relevant government agencies in the use and development of sign language in Kenya; and
- (l) perform such other functions as may be prescribed by any other law or as necessary for the promotion of the objects of this Act.

8. (1) The Council shall have all the powers necessary for the proper performance of its functions under this Act and any other written law.

Powers of the Council.

(2) Without prejudice to the generality of subsection (1), the Council shall have the power to—

- (a) manage, control and administer the assets of the Council in such manner and for such purposes as best promotes the purpose for which the Council is established;
- (b) open such bank accounts for the funds of the Council as may be necessary;
- (c) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Council;
- (d) subject to approval of the Cabinet Secretary for the time being responsible for matters relating to finance, invest any surplus funds of the Council not immediately required for the purposes of this Act, as it may determine;
- (e) receive gifts, grants, donations or endowments made to the Council and make legitimate disbursements therefrom;

- (f) enter into association with such other bodies or organizations within or outside Kenya as it may consider appropriate and in furtherance of the purposes for which the Council is established; and
- (g) undertake any activity necessary for the performance of any of its functions.

9. (1) The Council consists of—

Composition of
the Council.

- (a) a chairperson who shall be appointed by the Cabinet Secretary;
 - (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to education or a representative designated in writing;
 - (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to culture or a representative designated in writing;
 - (d) the chairperson of the National Council for Persons with Disabilities or a representative designated in writing;
 - (e) three persons nominated by the most representative registered National Association of the Deaf community in Kenya;
 - (f) two persons nominated by the most representative registered National Association for sign language interpreters in Kenya; and
 - (g) the Registrar who shall be an *ex officio* member of the Council.
- (2) A person qualifies for appointment as the chairperson of the Council if the person—
- (a) holds a degree from a university recognized in Kenya;
 - (b) has proven knowledge and experience of at least ten years in matters of—
 - (i) Kenyan Sign Language;
 - (ii) Deaf and hard of hearing communications and other communications formats; and
 - (iii) disability rights.

(c) meets the requirements of Chapter Six of the Constitution.

(3) A person qualifies for appointment as a member of the Council under subsection (1)(e) and (f) if the person—

(a) holds a degree from a university recognized in Kenya;

(b) has knowledge and experience of at least five years in any of the following matters of—

(i) Kenyan Sign Language;

(ii) Deaf and hard of hearing communications and other communications formats;

(iii) disability;

(iv) human rights; or

(v) social sciences.

(c) meets the requirements of Chapter Six of the Constitution.

(4) The Cabinet Secretary shall make regulations to prescribe the criteria for nomination of members referred to in subsection(1)(e) and (f).

(5) A person shall not qualify for appointment as a chairperson or a member of the Council, if the person—

(a) is a member of Parliament or County Assembly;

(b) is an official of a governing body of a political party;

(c) is an undischarged bankrupt;

(d) has been convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;

(e) has been removed from office for contravening the provisions of the Constitution or any other written law; or

(f) in the case of Members referred to in subsection 1(f), has been and remains removed from the register or his or her practicing certificate has been suspended under section 33.

(6) The appointment of the chairperson and members under subsection 1(e) and (f) shall be by name and by notice in the *Gazette*.

10. (1) The chairperson and members shall serve on part-time basis. Term of office.

(2) The members appointed under section 9(1)(a), (e) and (f) shall hold office for a term of three years and shall be eligible for re-appointment for a further term.

(3) The members appointed under section 9(1)(b), (c) and (d) shall hold office during their tenure of office unless removed from office by the appointing authority.

11. (1) A member of the Council, other than an *ex officio* member, shall cease to be a member of the Council, if the person— Vacation of office.

- (a) is unable to perform the functions of the office by reason of mental or physical infirmity;
- (b) is incompetent or has neglected duty;
- (c) is adjudged bankrupt;
- (d) is convicted of a criminal offence and sentenced to a term of imprisonment of more than six months;
- (e) is absent from three consecutive meetings of the Council without good cause;
- (f) resigns in writing by a notice addressed to the Cabinet Secretary;
- (g) dies; or
- (h) is removed from office in accordance with the provisions of the Constitution.

(2) Whenever a vacancy arises under section 9(1)(e) and (f), the Cabinet Secretary shall within seven days of such vacancy, notify the respective associations to submit the names of their nominees within fourteen days from the date of receipt of the notification.

12. (1) The Council may establish Committees for the effective performance of its functions under this Act. Committees of the Council.

(2) The Council may co-opt into the membership of a Committee established under subsection (1), any person whose knowledge and expertise may be necessary for the effective performance of the functions of the Council.

(3) A person co-opted into a Committee under subsection (2), may attend the meetings of the Committee and participate in its deliberations, but shall not vote at such meetings.

13. (1) The Council shall conduct its business and affairs in accordance with the provisions of the First Schedule.

Conduct
business. of

(2) Without prejudice to subsection (1), the Council may regulate its own procedure.

(3) Despite subsections (1) and (2), all Council meetings shall be conducted in both spoken and sign language.

14. (1) The Council shall, through an open, transparent and competitive recruitment process, appoint a suitably qualified person to be the Registrar of the Council.

Registrar of the
Council.

(2) A person is qualified for appointment as the Registrar of the Council if the person—

- (a) is a citizen of Kenya;
- (b) holds a degree in social sciences or its equivalent, from a university recognized in Kenya;
- (c) has had at least ten years proven experience at management level;
- (d) has had at least five years experience in sign language proficiency in Kenya; and
- (e) meets the requirements of Chapter Six of the Constitution.

(3) The Registrar shall serve on such terms and conditions as the Council may determine.

(4) The Registrar shall hold office for a period not exceeding five years and may be eligible for re-appointment for a further and final term of five years

(5) The Registrar shall, in the performance of the functions and duties of the office, be responsible to the Council.

(6) The Registrar shall—

- (a) be the Secretary and Chief Executive Officer of the Council;

- (b) be the accounting officer of the Council;
- (c) be responsible for—
 - (i) implementing the decisions of the Council regarding all matters relating to the registration and regulation of sign language interpretation;
 - (ii) the day-to-day administration and management of the affairs of the Council;
 - (iii) co-ordination and supervision of the staff of the Council;
 - (iv) keeping and maintaining the register of persons registered as sign language interpreters in accordance with this Act;
 - (v) subject to the directions of the Council, make the necessary alterations or corrections in the register;
- (d) perform any other duties as may be assigned by law and the Council.

15. (1) The Registrar may be removed from office by the Council in accordance with the terms and condition of service, for—

Removal of the Registrar from office.

- (a) inability to perform the functions of the office arising out of physical or mental infirmity;
- (b) gross misconduct or misbehaviour;
- (c) incompetence or negligence of duty;
- (d) violation of the Constitution or any other written law; or
- (e) any other grounds specified in the terms and conditions of service of the Registrar.

(2) Where the question of the removal of the Registrar under subsection (1) arises, the Council shall act in accordance with the principles of fair administrative action prescribed under Article 47 of the Constitution and the Fair Administrative Action Act.

No. 4 of 2015.

16. (1) The Council shall, through a competitive and transparent process, employ such officers, agents and other staff as may be necessary for the proper discharge of its functions under this Act, upon such terms and conditions of service as the Council may determine in consultation with the Salaries and Remuneration Commission.

Staff of the Council.

(2) The staff referred to in subsection (1) may, upon the request of the Council, be seconded by the Public Service Commission to the Council.

(3) The Council shall, in the appointment of employees, ensure—

- (a) equalization of opportunity for the Deaf community;
- (b) equalization of opportunities for the youth;
- (c) that not more than two thirds of its staff are of the same gender; and
- (d) that the appointment of staff reflects the ethnic and regional diversity of the people of Kenya.

17. (1) The members of the Council shall be paid such remuneration, allowances and disbursements as may be approved by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

Remuneration.

(2) The Registrar and staff of the Council shall be paid such salary or allowances as shall be determined by the Council in consultation with the Salaries and Remuneration Commission.

18. (1) The common seal of the Council shall be kept in the custody of the Registrar or such other person as the Council may direct, and shall not be used except on the order of the Council.

Common seal.

(2) The affixing of the common seal of the Council shall be authenticated by the signature of the chairperson and the Registrar.

(3) The Council shall in the absence of either the chairperson or the Registrar, in any particular matter, nominate one member of the Council to authenticate the seal of the Council on behalf of either the chairperson or the Registrar.

(4) The common seal of the Council when affixed to a document and duly authenticated, shall be judicially and officially noticed, and unless the contrary is proved, any necessary order by the Council under this section shall be presumed to have been duly given.

19. A member of the Council or any person working under the instructions of the Council shall not be personally liable for any act done in good faith for the purpose of executing the powers, functions or duties of the Council under the Constitution or this Act.

Protection from personal liability.

PART III—ACCESS AND NON-DISCRIMINATION

20. (1) The Deaf community using sign language shall have the right to use, develop and preserve the Kenyan Sign Language.

Kenyan Sign Language.

(2) The Kenyan Sign Language shall, pursuant to Article 7(3)(b) of the Constitution, be a language of communication in any public or private forum and shall include the visual and the tactile form of Kenyan Sign Language used and understood by the Deaf and Deafblind.

(3) A public or private entity shall where necessary provide, assistive device and support services including Kenyan Sign Language interpretation services at no costs, to a person who requires access and is availing of, or seeking to access information offered by the entity under this Act or any other written law.

(4) The national and county governments shall—

(a) provide adequate funds for the promotion of Kenya Sign Language including funding programmes to conduct awareness and training on the use of Kenya Sign Language;

(b) take all reasonable measures to promote and encourage the use of basic Kenya Sign Language among its Deaf and hearing employees;

(c) so far as is reasonably practical, provide sign language interpretation services in offices including during office related activities generally conducted by government agencies and in particular, during public participation and stakeholder consultation engagements on policy matters being initiated by government agencies; and

(d) create reasonable opportunity for persons who are Deaf, hard of hearing or Deafblind to be eligible for employment and career progression in the respective government agency.

(5) A person who wishes to be provided with the services of a sign language interpreter under subsection (3), shall provide the public or private entity with reasonable notification of his or her intention to use sign language and need for access through a licensed Kenyan Sign Language interpreter.

(6) A person shall not engage the services of a sign language interpreter unless the sign language interpreter has been registered and licensed by the Council under this Act.

21. (1) The Council shall in collaboration with the relevant government agencies, facilitate the development of programmes for the purpose of ensuring that Deaf, hard of hearing and Deafblind persons have access to the highest attainable standard of health care services.

Access to health care services.

(2) Without prejudice to the generality of subsection (1), a health service provider, shall—

(a) pursuant to Article 43(1)(a) of the Constitution, put in place measures including the provision of Kenyan Sign Language interpretation services at no costs, to ensure that Deaf, hard of hearing and Deafblind persons have access to the highest attainable standard of health care services;

(b) ensure that mental health services are accessible to Deaf, hard of hearing and Deafblind persons in a manner that a Deaf or Deafblind person is able to receive therapy and counseling services directly through Kenyan Sign Language rather than through an interpreter; and

- (c) ensure that the privacy and dignity of a Deaf, hard of hearing and Deafblind person, who is seeking health care services in the facility is respected.

22. (1) Every court, tribunal or body before which proceedings are being conducted shall in any proceedings before it, avail without any costs to the parties, a sign language interpreter if any of the parties to the proceedings is Deaf, hard of hearing or Deafblind.

Kenyan Sign Language in legal proceedings.

(2) A party to, a person presiding over, or a person representing parties to the proceedings or taking part in legal proceedings in a court, tribunal or other body before which proceedings are being conducted, is entitled to use Kenyan sign language in such proceedings.

(3) Any person intending to use sign language in any legal proceedings shall give reasonable notice of that intention to the presiding officer, and where such request is made, the presiding officer shall ensure that a licensed interpreter is available to a person requiring the services of a sign language interpreter.

(4) A presiding officer in proceedings before a court, tribunal or body before which proceedings are being conducted shall regulate the procedure to be followed when Kenya Sign Language is used in such legal proceedings, including ascertaining the accuracy of the sign language interpretation.

(5) The Chief Justice shall make rules providing for the provision of Kenyan Sign Language interpretation services in legal proceedings.

23. The Cabinet Secretary in the Ministry of Education shall for the purposes of giving effect to Article 53(1)(b) of the Constitution—

Kenyan Sign Language in education.

- (a) so far as is reasonably practical, establish a mechanism for the provision of Kenyan Sign Language lessons to—
 - (i) the parents, siblings and grandparents of a child who is Deaf, hard of hearing or Deafblind; or
 - (ii) other persons who serve as guardians to a child who is Deaf, hard of hearing or Deafblind;
- (b) ensure that Deaf learners and learners who are hard of hearing are taught in a manner that they

- are able to understand and use the dominant language of instruction in the education system;
- (c) ensure development of appropriate instruction materials for the education of Deaf learners and learners who are hard of hearing;
 - (d) ensure that learning institutions for the Deaf and hard of hearing provide formal and non-formal education, skills development and self-reliance for Deaf learners as appropriate;
 - (e) ensure that there is a sufficient number of learning institutions offering Kenyan Sign Language training for the Deaf, hard of hearing or Deafblind children attending public or private schools;
 - (f) ensure the provision of education and support services to children who are Deaf, hard of hearing or Deafblind who are attending accredited schools by determining, from time to time, the minimum placement and qualifications of the teachers of such children;
 - (g) ensure that public institutions of higher learning undertake continuous research in the development and use of sign language;
 - (h) ensure that Kenyan Sign Language is integrated in the basic education curriculum and is taught to all learners as one of the languages recognized under Article 7 of the Constitution;
 - (i) ensure that the training and education of teachers offering basic education includes training and education on Kenyan Sign Language and interpretation;
 - (j) ensure that Kenyan Sign Language is integrated in early childhood education generally and in particular, that Kenyan Sign Language is taught to the Deaf learners and hearing learners in public and private early childhood education centres; and
 - (k) ensure that public institutions offering tertiary education shall do all that is reasonable and necessary to provide free interpretation services as may be needed by Deaf, hard of hearing, and Deafblind.

24. (1) Television stations shall provide closed captioning and a Kenyan Sign Language inset covering at least one third of the size of the television screen, in all newscasts, educational and national programmes, for the purpose of ensuring equality and respect for human dignity in the promotion and broadcasting of such programmes.

Media services.

(2) Without prejudice to the generality of subsection (1), content on television including content transmitted through the internet shall be made accessible to the Deaf, hard of hearing, and Deafblind community through the provision of closed captioning and transcripts on all content.

25. Telecommunication service providers shall make their services accessible to the Deaf, hard of hearing, and Deafblind community through establishment and provision of relay services, including text relay, video relay, captioned telephone relay, and communication facilitators for the Deaf, hard of hearing or Deafblind.

Telecommunication services.

PART IV—REGISTRATION OF SIGN LANGUAGE INTERPRETERS

26. (1) A person who wishes to provide Kenyan Sign Language interpretation services shall apply for registration to the Council in the prescribed manner.

Registration.

(2) The Registrar shall, upon receipt of the application and as soon as is practicable bring every application before the Council for consideration.

(3) Where the Council has determined that a person has complied with the provisions of this Act, the person shall be registered and is eligible to provide Kenyan Sign Language interpretation services.

(4) The Council may issue a person who has been registered under this Act with such identification document in the prescribed manner, and which shall be valid for such period as the Council may specify.

27. A person is qualified to be registered to provide Kenyan Sign Language interpretation services under this Act, if the person—

Qualifications for registration.

- (a) has proficiency in English or Kiswahili languages as contemplated under Article 7(1) and (2) of the Constitution;

- (b) possesses such professional qualifications from an institution recognized by the Council;
- (c) has obtained practical experience and skills in Kenyan Sign Language interpretation as may be prescribed by the Council; and
- (d) has successfully passed the continuing professional development examination or such other requirements as may be conducted by the Council, from time to time.

28. (1) A person who meets the requirements under section 27 of this Act, may apply to the Registrar for registration to provide Kenyan Sign Language interpretation services.

Application for registration.

(2) The application referred to under subsection (1), shall be in the prescribed manner, accompanied with—

- (a) copies of professional and educational certificates;
- (b) such registration fees as may be determined by the Council; and
- (c) any other document as may be necessary to prove qualification for registration.

29. A person whose name has been entered in the register as a licensed Kenyan Sign Language interpreter, shall, for as long as his or her name remains in the register, be entitled to adopt and use the style and title ‘professional sign language interpreter’.

Effect of registration.

30. (1) The Registrar shall keep and maintain a register in which the name of every person registered by the Council to provide Kenya Sign Language interpretation services of all the registered sign language interpreters under this Act shall be entered showing—

Register.

- (a) the date of the entry in the register;
- (b) the registration number of the person;
- (c) the address of the person registered;
- (d) the nationality of the person;
- (e) the qualifications of the person; and
- (f) such other particulars as the Council may prescribe.

(2) A person whose name is entered in the register under subsection (1) shall inform the Registrar of any changes in the particulars set out under subsection (1).

(3) A person may, during normal office hours and on payment of the prescribed fee, inspect the register and any document relating to an entry and may obtain from the Registrar a copy or extract from the register of any such document.

(4) The Registrar shall cause to be published in either electronic or print media, not later than the 30th day of April of every year, particulars of licensed Kenya Sign Language interpreters duly registered under this Act.

(5) A publication made under this subsection (4) shall be prima facie evidence—

- (a) that a person whose name has been entered in the register under this Act is qualified to provide Kenyan Sign Language interpretation services; or
- (b) that a person whose name does not appear in such publication or has been deleted from the register as notified by such publication is not licensed to provide Kenyan Sign Language interpretation services.

(6) The Registrar may for a specified duration, and on the recommendations of the Council, remove from the register, any person whose name has been fraudulently entered, or any person—

- (a) convicted of an offence under this Act or any other law and sentenced to imprisonment for a term exceeding six months;
- (b) whose name the Council has directed that it should be removed from the register for breach of the provisions of this Act;
- (c) declared bankrupt; or
- (d) who has failed to satisfy the requirements for the continuing professional development programme for the time being in force.

(7) Where the Registrar establishes that an entry has been erroneously or incorrectly entered in the register, the

Registrar may correct the error and notify the affected person of such corrections.

31. (1) The Registrar shall issue a practicing certificate to a person whose name is entered into the register.

Practising
certificate.

(2) A person shall not provide Kenyan Sign Language interpretation services unless, that person has been registered and issued with a practicing certificate under this Act.

(3) A practicing certificate issued under subsection (1), shall be valid for a period of one year running from the 1st of January to the 31st of December of each year and may, upon expiry, be renewed on making an application for renewal.

(4) A person applying for a practicing certificate under subsection (1), shall be required to submit an application in the prescribed form accompanied by a certificate of continuing professional development issued by the Council and a prescribed fee.

32. (1) A person who holds a practicing certificate may on the expiry of the practicing certificate apply to the Council for a renewal of the certificate.

Renewal of
Practising
certificate.

(2) An application made under subsection (1), shall be accompanied with—

- (a) a declaration in the prescribed form;
- (b) fees for the current practicing period and subject to the approval by the Council, any unpaid fees, including penalties as prescribed by the Council; and
- (c) proof of fulfillment of all applicable conditions for renewal of a certificate.

(3) The Council may, with sufficient cause, refuse to issue or renew a certificate and shall communicate the refusal and give reasons for such refusal to the applicant within twenty-one days of making the decision.

33. (1) The Council may suspend or cancel a certificate issued under this Act where—

Suspension and
cancellation of
practising
certificate.

- (a) allegations of misconduct have been investigated and proven against a sign language interpreter;

- (b) a sign language interpreter has been convicted of an offence under this Act;
- (c) a false declaration was made in an application for a practising certificate; or
- (d) a sign language interpreter has contravened any of the provisions of this Act.

(2) The cancellation or suspension of a practising certificate under subsection (1), shall be subject to the principles of fair administrative action prescribed under Article 47 of the Constitution and the Fair Administrative Action Act.

No. 4 of 2015.

34. A person whose name has been removed from the register or whose certificate has been suspended or cancelled, shall not provide Kenyan Sign Language interpretation services during the period of removal of name, suspension or cancellation of his or her practising certificate.

Effect of removal of name, suspension or cancellation of a practising certificate.

PART V—FINANCIAL PROVISIONS

35. (1) The funds of the Council shall comprise of —

Funds of the Council.

- (a) monies as may be appropriated by the National Assembly ;
- (b) monies as may accrue to or vest in the Council in the course of the exercise of its powers or the performance of its functions under this Act;
- (c) monies as may be payable to the Council pursuant to this Act or any other written law;
- (d) gifts, grants, donations or endowments as may be given to the Council; and
- (e) monies from any other lawful source provided for the Council.

(2) All the funds donated, lent or issued to the Council under this Act shall be accounted for and appropriated in accordance with the Public Finance Management Act.

No. 18 of 2012.

36. The financial year of the Council shall be the period of twelve months ending on the thirtieth day of June in each year.

Financial year.

37. (1) The Council shall within three months before the commencement of the financial year, cause to be

Annual estimates.

prepared estimates of its revenue and expenditure for that financial year.

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

- (a) the payment of salaries, allowances and other charges in respect of the staff of the Council;
- (b) the payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Council;
- (c) the proper maintenance of buildings and grounds of the Council;
- (d) the acquisition, maintenance, repair and replacement of the equipment and other movable property of the Council; or
- (e) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matters as the Council may consider appropriate.

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

Accounts and
audit.

(2) Within three months at the end of each financial year, the Council shall submit to the National Assembly, the audited accounts of the Council together with—

- (a) a statement of income and expenditure of the Council during the year; and
- (b) a statement of the assets and liabilities of the Council on the last day of that year.

(3) The accounts of the Council shall be audited and reported upon in accordance with the provisions of the Public Audit Act.

No. 34 of 2015.

39. The Council shall, before the end of June in each year, cause a report on the work undertaken by the Council during that financial year to be supplied to the Cabinet Secretary, and shall cause such further information as may be required by the Cabinet Secretary from time to time to be supplied.

Annual report.

PART VI—MISCELLANEOUS PROVISIONS

40. Subject to the provisions of this Act, every registered sign language interpreter shall pay to the Council such subscription fee as the Council may prescribe.

Subscriptions.

41. (1) The code of conduct for the provision of Kenyan Sign Language interpretation services in Kenya, shall be as prescribed in the Second Schedule to this Act.

Code of conduct.

(2) The Cabinet Secretary shall within ninety days after the coming into force of this Act, publish in the Gazette, a notice to operationalize the code of conduct referred to under subsection (1).

42. A person aggrieved by a decision of the Council in the performance of its functions under this Act, may, pursuant to Article 165(6) of the Constitution, make an application to the High Court for redress within thirty days from the date the decision was made.

Redress.

43. (1) An educational institution that is not accredited under any written law or that has not been granted a charter shall not offer or teach courses in Kenyan Sign Language interpretation.

Unaccredited institutions.

(2) An institution that offers or teaches courses in Kenyan Sign Language interpretation contrary to subsection (1) commits an offence and the proprietor, director or manager of such institution shall be liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or to both.

Offences.

44. (1) A person who—

- (a) without lawful justification fails or refuses to comply with the direction of the Council;
- (b) obstructs or hinders the Council in the exercise of its powers under this Act;
- (c) furnishes information or makes a statement to the Council which he or she knows to be false or misleading in any matter; or
- (d) when appearing before the Council or any of its committees, for examination, makes a statement which he knows to be false or misleading in any material particular, commits an offence.

(2) A person convicted of an offence under this section shall be liable to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding one year, or both.

(3) A person who is convicted of an offence under subsection (2) shall be liable, for any subsequent offence, to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years, or to both.

45. A person who engages in practice or charges a professional fee without a valid certificate under this Act commits an offence and shall be liable, on conviction, to a fine not exceeding fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years, or to both.

Practice without a valid certificate.

PART VII—PROVISIONS ON DELEGATED POWERS

46. (1) The Cabinet Secretary may in consultation with the Council, make regulations for the better carrying into effect the functions of the Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), the regulations made under this section may provide for—

- (a) criteria for nomination of members referred to in section 9 (1)(e) and (f);
- (b) the fees to be charged under this Act;
- (c) the minimum charges for the provision of Kenyan Sign Language interpretation services;
- (d) the forms to be used in connection with this Act;
- (e) the guidelines on the training and continuing professional development of sign language interpretation;
- (f) the standards and conditions of professional practice of a person licensed to provide Kenyan Sign Language interpretation services;
- (g) the procedure in relation to the provision of Kenyan Sign Language interpretation services by a public or private entity; and

(h) standards of Kenyan Sign Language interpretation services in legal proceedings.

(3) For the purpose 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 is limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section.

(4) The principles and standards applicable to the delegated power referred to under this Act are those set out in—

(a) the Statutory Instruments Act;

No. 23 of 2013.

(b) the Interpretation and General Provisions Act;

Cap. 2.

(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.

PART VIII— GENERAL PROVISIONS

47. A person who contravenes any of the provisions of this Act commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or to an imprisonment term not exceeding one year or to both.

General penalty.

48. The Persons with Disabilities Act is amended by deleting—

Consequential amendments.

(a) the words “of free sign language interpretation” appearing in appearing in section 38(2)(b);

No. 14 of 2003.

(b) section 39;

(c) the words “for persons with hearing disabilities” appearing in section 40;

49.(1) A person operating as a sign language interpreter before the commencement of this Act, shall, within ninety days of the commencement of this Act, formalize his or her registration with the Council.

Transitional provisions.

(2) Within twelve months after the enactment of this Act, all persons providing Kenyan Sign Language interpretation services and who have not undertaken the prescribed courses shall undertake any of the courses prescribed by the Council to be eligible for registration as a sign language interpreter under this Act.

SCHEDULES

S. 13(1)

FIRST SCHEDULE

CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL

Meetings.

(1) The Council shall meet at least four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding subparagraph (1), the Registrar in consultation with the chairperson, may, on requisition in writing by one-third of the members, convene a special meeting of the Council at any time for the transaction of the business of the Council.

(3) Unless three quarters of the total members of the Council otherwise agree, at least fourteen days' written notice of every meeting of the Council shall be given to every member of the Council.

(4) The chairperson shall preside at every meeting of the Council at which he or she is present but in his or her absence, a member duly elected by the members for that purpose, shall preside and shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

(5) Unless a unanimous decision is reached, a decision on any matter before the Council shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the chairperson or a person presiding shall have a casting vote.

Election of Vice-chairperson.

At the first meeting, the Council shall elect a vice-chairperson amongst their number and regard shall be taken to ensure that the chairperson and vice-chairperson shall be of opposite gender.

Quorum.

The quorum at a meeting of the Council shall be half of the members or a greater number determined by the Council, in respect of an important matter.

Contracts and instruments.

Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Council by any person generally or specially authorized by the Council for that purpose.

S.41(1)**SECOND SCHEDULE****PROFESSIONAL CODE OF CONDUCT**

- Citation. 1. This code may be cited as the Kenyan Sign Language interpreters Professional Code of Conduct.
- Objectives. 2. The objective of this code of conduct is to provide a framework through which sign language interpreters shall conduct themselves in an ethical manner.
- Core values. 3. The core values for the licensed Kenyan sign language interpreters registered under this Act shall be—
- (a) professionalism;
 - (b) impartiality;
 - (c) integrity;
 - (d) accountability;
 - (e) commitment;
 - (f) fairness;
 - (g) confidentiality;
 - (h) transparency;
 - (i) respect; and
 - (j) honesty.
- Code of Conduct. 4. In the discharge of his or her functions under this Act, a sign language interpreter shall—
- (a) offer services in the areas of their competence and experience affording full disclosure of their qualifications;
 - (b) act in accordance with all applicable laws and regulations governing the practice of sign language interpretation in Kenya;
 - (c) be honest, truthful, ethical, and fair in presenting information reflecting on colleagues' professional matters and their professional role;
 - (d) engage in professional relationships without bias or prejudice based on race, religion, gender, age, ethnicity, national origin, sexual orientation,

- marital status, socio-economic status, political affiliation, or disability;
- (e) act in a professional manner for each employer or client as faithful agents or trustees by not disclosing without consent, or taking improper advantage of, anything of a proprietary or confidential nature concerning the business affairs or processes of any present or former client or employer;
 - (f) disclose to affected parties known or potential conflicts of interest or other circumstances which might influence or appear to influence judgment or impair the fairness or quality of their performance;
 - (g) be responsible for enhancing their professional competence throughout their careers, for promoting others to advance their learning and competence, and not falsely obtaining competency credentials through misrepresentation of experience or misconduct;
 - (h) accept responsibility for their actions and be ready and willing to institute corrective actions to ensure professional and satisfactory discharge of their obligations and responsibilities;
 - (i) desist from accepting any business and taking any act that may lead to violation of law, regulation, and code of professional conduct and accordingly advise the client, employer and or subordinate the likely adverse effects inherent in the proposed business or act;
 - (j) at all times conduct himself or herself in a manner that promotes the best profile and image of the profession;
 - (k) avoid any unfair trade practices that have the likely impact of undermining competitiveness of the profession;
 - (l) ensure all properties of the client and employer, in your custody for purposes of facilitating performance of professional services, are used solely for the purposes intended;

- (m) report any professional misconduct by fellow practitioners to the Council and in doing so, shall not be malicious or vindictive; and
- (n) not offer or accept bribes or facilitate payments, either directly or indirectly, not only in compliance with anti-bribery laws but also in maintenance of high professional and ethical standards.

Non-compliance.

5. The Council shall in accordance to the provisions of this Act, impose such penalties against any person who fails to abide by the code of conduct as prescribed in this Schedule.

MEMORANDUM OF OBJECTS AND REASONS

The proposed object of the Kenyan Sign Language Bill, 2023 is to provide for the recognition, promotion, development and use of Kenyan Sign Language thereby giving effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d) and 120 of the Constitution of Kenya, 2010. The Bill is in line with the provisions of the Constitution, particularly, Articles 54 and 56 which mandates the State to put in place measures for the promotion of the rights of the marginalized communities including persons with disabilities. The enactment of the proposed legislation will therefore ensure that members of the Deaf community are treated with dignity in all spheres of life and have access not only to information but also to justice.

Part I (clause 1 to 4) provides for preliminary matters including the short title, the objects and guiding principles of the proposed Bill. It further provides various definitions such as sign language, Deaf, Deafblind among others.

Part II (clause 5 to 19) provides for the establishment of the Kenyan Sign Language Council, its functions, powers; the composition of the Council, their term of office and qualifications for appointment. It further provides for the appointment of a Registrar who is the Secretary and Chief Executive Officer of the Council, the Registrar's functions. It also provides for the manner of appointment of staff of the Council.

Part III (clause 20-25) provides for access and non-discrimination. This guarantees the right to use Kenyan Sign Language shall, pursuant to Article 7(3)(b) of the Constitution, as the preferred language of communication. It places specific obligations on public and private entities to make provision for Kenyan Sign Language interpretation services in various sectors ranging from health, education, media, telecommunication to the justice sector.

Part IV (clause 26-34) provides for the registration of sign language interpreters, the requisite qualifications and manner of applying for registration. It also provides for a register of licensed sign language interpreters that is kept and maintained by the Council. It further provides for the issuance, renewal, cancellation and suspension of practising certificate by the Council as well as the effect of such cancellation, suspension of practising certificate and removal from the register.

Part V (clause 35-39) provides the sources of funds of the Council, the audit of these funds as well as report by the Council on the utilization of its funds and the activities undertaken in a given financial year.

Part VI (clause 40-45) provides for the miscellaneous provisions such as subscription fees payable annually to the Council, code of

conduct, redress over the decisions of the Council and offences in relation to unaccredited institutions and practice without a valid certificate.

Part VII (clause 46) provides for the delegation of power to the Cabinet Secretary in the Ministry responsible for culture to make regulations for the better carrying into effect of the functions of the Act.

Part VII (clause 47-49) provides for the miscellaneous provisions such as general penalty, consequential amendments and transitional provisions.

The **First Schedule of the Bill** provides for the conduct of the business and affairs of the Council whereas the **Second Schedule of the Bill** provides a professional conduct for sign language interpreters in Kenya.

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

The Bill delegates legislative powers to the Cabinet Secretary but it does not limit fundamental rights and freedoms.

Statement on whether the Bill concerns County Governments

The Bill concerns county governments in terms of Article 110(1)(a) of the Constitution.

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

This Bill is a money Bill within the meaning of Article 114 of the Constitution.

Dated the 13th December, 2023.

UMULKHER HARUN MOHAMED,
Member of Parliament.