

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2023

NAIROBI, 15th December, 2023

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THE PRESIDENT OF THE REPUBLIC OF KENYA

OFFICE OF THE PRESIDENT, NAIROBI

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KENYA GAZETTE SUPPLEMENT

(NATIONAL ASSEMBLY OF KENYA)

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**THE PERSONS WITH DISABILITIES
(AMENDMENT) BILL, 2023**

A Bill for

AN ACT of Parliament to amend the Persons with Disabilities Act, 2003 and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Persons with Disabilities (Amendment) Act, 2023.

Short title.

2. The Persons with Disabilities Act, 2003 (in this Act referred to as the “principal Act”) is amended by inserting the following new section immediately after section 11—

Insertion of a new section in No. 14 of 2003.

Reference to persons with disabilities.

11A. (1) The Council shall develop a system that provides for the setting out of the specific disabilities in the recognition of persons with disabilities.

(2) The Council shall use dignified language in the registration and certification of persons with disabilities.

3. Section 26 of the principal Act is amended—

Amendment of section 26 of No. 14 of 2003.

- (a) by deleting the words “Adjustment orders and discrimination” appearing in the marginal note;
- (b) in subsection (1) by inserting the following new paragraph immediately after paragraph (e) —
 - “(f) uses undignified, disrespectful or offensive names or language when referring to a person with disabilities; and
- (c) in subsection (2) by deleting the words “twenty thousand” appearing immediately after the words “not exceeding” and substituting therefor the words “one million”.

MEMORANDUM OF OBJECTS AND REASONS**Statement of the Objects and Reasons for the Bill**

The principal objective of this Bill is to amend the provisions of the Persons with Disabilities Act, 2003 to obligate the Council to specify the type of disability when recognising persons with disabilities in their system.

Further the amendment seeks to require the Council to use dignified language in the registration and certification of persons with disabilities and discourages the use of undignified, disrespectful or offensive names and language when referring to persons with disabilities.

The amendment also seeks to increase the fine imposed for contravening section 26(1) from twenty thousand shillings to one million shillings.

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

The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement on whether the Bill concerns County Governments

The Bill does not concern 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 28th November, 2023.

WANJIKU MUHIA,
Member of Parliament.

Section 11 of No. 14 of 2003 which it is proposed to amend—

11. Realisation of rights of persons with disabilities

The Government shall take steps to the maximum of its available resources with a view to achieving the full realization of the rights of persons with disabilities set out in this Part.

Section 26 of No. 14 of 2003 which it is proposed to amend—

26. Offences-Adjustment orders and discrimination

(1) A person is guilty of an offence if he—

- (a) fails to comply with an adjustment order served under section 24;
- (b) contravenes section 12(1) or discriminates against a person contrary to section 12;
- (c) discriminates against a person contrary to section 15(1);
- (d) contravenes section 25(1) or discriminates against a person contrary to section 25; or
- (e) on the ground of any ethnic, communal, cultural or religious custom or practice, discriminates against a person with a disability.

(2) A person who is convicted of an offence under subsection (1) is liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(3) A person found guilty of an offence under this section may in addition to the penalty imposed by the Court be ordered to pay the person injured by the offence such sums of money in compensation as the Court may deem appropriate.

and the other is the *deontological* or *duty-based* approach.

3.1.1 *Utilitarianism* and *deontological* or *duty-based* approach

Utilitarianism is an ethical theory that states that the right action is the one that results in the greatest good for the greatest number of people. In other words, the right action is the one that produces the most utility or happiness for the most people.

Utilitarianism is a form of consequentialism, which means that the morality of an action is determined by its consequences.

3.1.2 *Deontological* or *duty-based* approach

Deontological or duty-based approach is an ethical theory that states that the right action is the one that is in accordance with a set of moral principles or duties. In other words, the right action is the one that is morally right, regardless of the consequences.

Deontological or duty-based approach is a form of non-consequentialism, which means that the morality of an action is determined by the action itself, rather than its consequences.

3.1.3 *Utilitarianism* and *deontological* or *duty-based* approach

Utilitarianism and deontological or duty-based approach are two of the most prominent ethical theories in business ethics. Both theories have been used to justify a wide range of business practices, from the treatment of employees to the treatment of the environment.

Utilitarianism is often used to justify actions that are in the best interests of the greatest number of people. For example, a company might use utilitarianism to justify a decision to lay off employees in order to increase profits and create jobs elsewhere.

Deontological or duty-based approach is often used to justify actions that are in accordance with a set of moral principles or duties. For example, a company might use deontological or duty-based approach to justify a decision to not pay a bribe, even if it would result in a loss of profit.

Both theories have been used to justify a wide range of business practices, from the treatment of employees to the treatment of the environment. Utilitarianism is often used to justify actions that are in the best interests of the greatest number of people, while deontological or duty-based approach is often used to justify actions that are in accordance with a set of moral principles or duties.

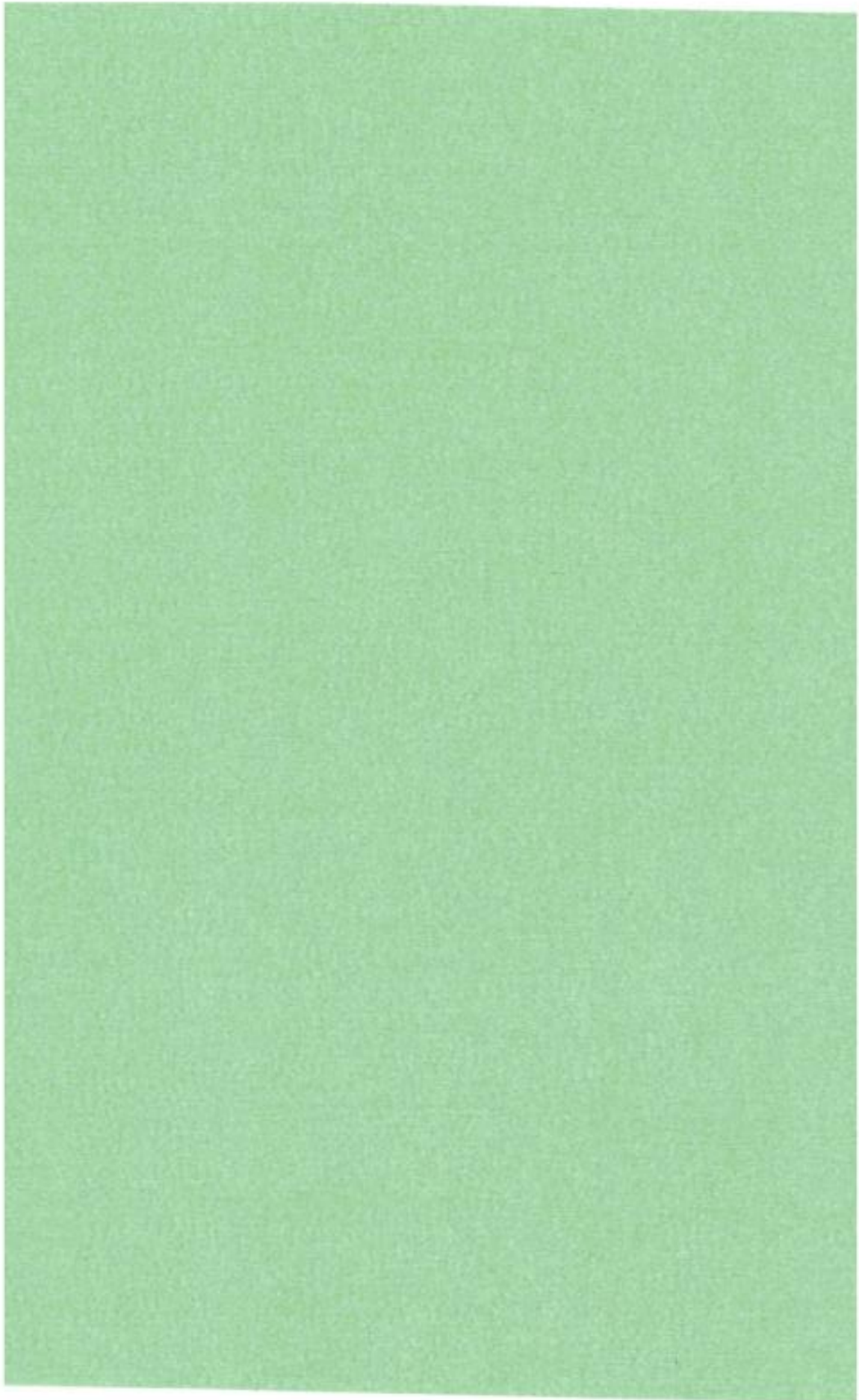
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The first part of the document discusses the importance of maintaining accurate records in a business setting. It highlights how proper record-keeping can help in decision-making, identifying trends, and ensuring compliance with legal requirements. The text emphasizes that records should be organized, accessible, and secure.

Next, the document addresses the challenges of data management in the digital age. It notes that while digital storage offers convenience and scalability, it also introduces risks such as data loss, security breaches, and information overload. Solutions like cloud storage, encryption, and regular backups are suggested to mitigate these risks.

The third section focuses on the role of technology in streamlining business operations. It explores how automation and software solutions can reduce manual tasks, improve efficiency, and enhance customer service. Examples include using CRM systems for sales tracking and inventory management software for supply chain optimization.

Finally, the document concludes by stressing the need for continuous learning and adaptation. As technology and market conditions evolve, businesses must stay informed and be willing to invest in new tools and skills to remain competitive. Regular training and updates are essential for long-term success.