SPECIAL ISSUE

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REPUBLIC OF KENYA

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NATIONAL ASSEMBLY BILLS, 2023

NAIROBI, 15th December, 2023

CONTENT

Bill for Introduction into the National Assembly—

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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—

Short title.

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

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

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—

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.

Amendment of section 26 of No. 14 of 2003.

3. Section 26 of the principal Act is amended—

(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 itnis 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.