

PERSONS WITH DISABILITIES BILL, 2015

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A Bill for

AN ACT of Parliament to repeal and replace Persons with Disabilities Act, 2003 to take account of the Constitution of Kenya 2010 Disabilities; the equalization of opportunities; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I-PRELIMINARY

Short title.

1. This Act may be cited as the Persons with Disabilities Act, 2015.

Interpretation.

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

"adjustment order" means an order made by the Council under section 47 of this Act;

"assistive devices " includes implements, tools, equipment, taped texts, audio, visual and pictorial recording, Braille equipment and materials, tactile equipment, orthopedic appliances and other devices and machines of whatever kind for persons with disabilities for their socio-cultural, , economic, civil, political well being of persons with disabilities;

“authorized officer” includes a Principal Secretary in a ministry, a chief executive officer in a government department or agency or commission or committee or council or any other public and private body;

“communication” includes languages, display of text, Braille, tactile communication, signs, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to persons with disabilities;

"Council" means the National Council for Persons with Disabilities established under section 5 of this Act;

“disability” includes any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long- term effect on an individual’s ability to carry out ordinary day-to-day activities;

“discrimination” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment

or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes denial of amenities and the use of derogatory words, gestures or caricatures;

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“disability mainstreaming” means a strategy through which concerns, needs and experiences of persons with disabilities are made an integral part or dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres so that persons with disabilities benefit equally and inequality is not perpetuated;

"doctor" means a person registered or licensed as a medical practitioner under the Medical Practitioners and Dentists Act;

“exploitation” includes any act which has the purpose and effect of taking unfair advantage of any limitation of persons with disabilities;

“fund” means the Persons with Disabilities Empowerment Fund established under section 48;

“inclusive education” includes educating students with disabilities in chronologically age-appropriate general and inclusive education classes in the schools or least restrictive environments and in regular classrooms and ensure that they receive specialized instruction delineated by their individualized education programs within the context of the core curriculum and general class activities regardless of types or severity of disabilities, to the maximum extent possible;

“legal capacity” means the ability to hold rights and duties under the law and to exercise these rights and duties.

“medical practitioner” means a person duly registered under the Medical Practitioners and Dentists Act as a medical practitioner;

“organizations for persons with disabilities” means associations, groups, non-governmental organizations or societies formed for the purposes of rendering services to persons with disabilities;

“organizations of persons with disabilities” means associations or societies formed by persons with disabilities for their welfare and protection;

“persons with disabilities” includes persons with permanent physical, mental, intellectual, developmental or sensory impairments, visual, hearing or Albinism, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;

“public building” means a building, place of lodging, recreation, transportation, education, or dining, along with stores, care providers, and places of public displays, irrespective of ownership, which is used to render different types of services for people in the society and accessed by the general public at large, and includes its entrance, exit, parking space, footpath and other appurtenant lands;

“reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

“rural-based organization” means an organization whose membership is comprised of persons with disabilities and whose operations are based in a rural area;

“special measures” means legislative, executive, administrative and other regulatory instruments, policies and practices, including outreach or support programmes, allocation or reallocation of resources; preferential treatment; targeted recruitment, hiring and promotion; numerical goals connected with time frames; and quota systems designed, adopted and implemented in order to fulfill equal enjoyment

of rights of persons with disabilities;

“support services” includes seeing eye dogs, support persons, personal assistants, sign language interpreters, guide, readers, government or other institutional services and other personal supports specifically provided to enable people with disabilities to fully participate in society and community life and include specialized expert or any other service, qualified readers, Interpreters and guides; and services that support Persons With Disabilities to participate effectively in all aspects of life;

“universal design” means the design of products, environments, programmes and services to be usable to the greatest extent possible, without the need for adaptation or specialized design, including assistive devices for particular groups of persons with disabilities necessary.

Guiding Values and Principles.

3. The guiding values and principles of this Act are—

- (a) respect for inherent dignity, individual autonomy including the freedom to make choices, and independence of persons;
- (b) non-discrimination;
- (c) full, effective participation and inclusion in society;
- (d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) equality of opportunity;
- (f) accessibility;
- (g) equality between men and women with disabilities;
- (h) respect for the evolving capacities, rights and identities of a child with disabilities.

Purpose of the Act.

4. The purpose of this Act is to provide a legal and institutional framework to—

- (a) promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms of Persons with Disabilities;
- (b) establish the National Council for Persons with Disabilities; and
- (c) establish the Persons with Disabilities Empowerment Fund.

**PART II- ESTABLISHMENT, POWERS AND
FUNCTIONS OF THE NATIONAL COUNCIL FOR
PERSONS WITH DISABILITIES**

Establishment of the Council.

5. (1) There is hereby established a council to be known as the National Council for Persons with Disabilities.

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

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing;
- (d) do or perform all such other things or acts for the proper discharge of its functions under the Constitution, this Act or any written law, as may be lawfully done or performed by a body corporate.

Headquarters and other offices of the Council.

6. (1) The headquarters of the Council shall be in the Capital city of the Republic of Kenya.

(2) The Council shall establish its offices and decentralize its services to other parts of the country as it considers necessary.

(3) The Council shall be the successor in title to the National Council existing immediately before the commencement of this Act and upon such commencement the transitional provisions set out in shall apply.

Powers of the Council.

7. In the performance of its functions under this Act, may Act alone or in association with other persons or bodies

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- (a) enforce and generally administer the provisions of this Act and any other related laws;
- (b) issue adjustment orders;
- (c) conduct accessibility audits;
- (d) constitute committees consisting of its members;
- (e) co-opt experts to serve in such committees in (d) above for a maximum of one year renewable;
- (f) vest in or delegate to any committee such functions of the Council as the Council may determine;
- (g) conduct inquiries into any matter relating to welfare of persons with disabilities;
- (h) Appoint and or employ such officers as are necessary for the Council to discharge its mandate as required under this Act;
- (i) Issue summonses or other orders requiring the attendance of any person, organization or institution as it deems necessary for the fulfilment of its mandate;
- (j) control, supervise and manage the assets and liabilities of the Council in such a manner and as best provides for the purposes of the Act;
- (k) determine the provision to be made for capital and recurrent expenditure and for the reserves of the Council;
- (l) seek and receive any grants, testamentary gifts, donations and make legitimate disbursements from such grants, testamentary gifts and

donations for its purposes;

- (m) levy such fees and charges for its services as may be provided in this Act;
- (n) enter into association with other bodies within or outside Kenya which the Council may consider desirable or appropriate;
- (o) invest the funds of the Council, not immediately required;
- (p) establish and support investment and trust funds for the benefit of employees or ex-employees of the Council or dependants of such persons, to grant pension, benefits and allowances and to make such payments towards insurance as required under the relevant laws;
- (q) open and operate such accounts as are necessary for the funds of the Council with a bank or financial institution licensed to conduct banking business under the Banking Act;
- (r) recruit, remunerate, retain, guide, support, discipline, dismiss and determine the terms and conditions of employment of staff;
- (s) establish offices to ensure access to its services by all Kenyans;
- (t) supervise, regulate and assist offices, auxiliaries, committees and other forms of organizations established to advance the interest of the Council;
- (u) engage or make other arrangements with any other person to carry out research on, or supply information on, any matter relating to the welfare and habilitation and rehabilitation of persons with disabilities;
- (v) prosecute any matter that falls within the provisions of this Act or any other law on

persons with disabilities;

- (w) undertake any activity necessary, incidental or conducive to attain the objectives of the Council under this Act or any other written law.

Functions of the Council.

8. The functions of the Council shall be to work with other relevant Government agencies and the private sector to—

- (a) ensure accessibility, reasonable accommodation, non discrimination for persons with disabilities with regard to information, goods, services and the built environment and their participation in society on an equal basis with others;
- (b) formulate and develop measures, policies, legal framework, administrative actions, guidelines, standards, strategies and mobilize resources designed to—
 - (i) facilitate persons with disabilities have access to facilities and services which ensure effective enjoyment of the right to life;
 - (ii) achieve equal opportunities for persons with disabilities by ensuring that they obtain education and employment and participate fully in sporting, recreational and cultural activities and are accorded full access to community and social services;
 - (iii) advise the government during the national census to ensure that accurate figures of persons with disabilities are obtained in the country for purposes of planning;
 - (iv) advise the Cabinet Secretary on the provisions of any national, regional or international agreements and treaties relating to issues affecting persons with disabilities and their benefits to the country;
 - (v) provide assistive devices, appliances and other equipment to persons with disabilities registered with the Council;
 - (vi) make provision for assistance to students

with disabilities registered with the Council in the form of scholarships, loan programmes, fee subsidies, assistive devices and related technologies and other similar forms of assistance in both public and private institutions;

- (vii) oversee inclusion and mainstreaming of disability in execution of development at the national and county level, and provide technical support to public and private sectors;
- (viii) ensure information and communication, transportation, built environment, utilities and services are accessible to persons with disabilities;
- (ix) actualize healthcare needs of persons with disabilities and ensure persons with disabilities are knowledgeable of their own health conditions, health-care personnel support and protect the rights and dignity of persons with disabilities;
- (x) ensure provision of suitable and affordable housing for persons with disabilities;
- (xi) prevent discrimination against persons with disabilities;
- (xii) operationalize programmes for self-employment or regular employment for the generation of income by persons with disabilities;
- (xiii) in collaboration with the health service providers secure habilitation and rehabilitation of persons with disabilities within their own communities and social environment;
- (xiv) ensure continuous improvement on accessibility and usability of physical

environment, roads, transportation, information and communications, indoor and outdoor facilities, including schools, housing, medical facilities and workplace and other facilities and services open or provided to the public meet the needs of persons with disabilities; and

- (xv) ensure that private entities offering facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- (c) register on a continuous basis—
 - (i) persons with disabilities and issue disability identification cards in such form as it may determine;
 - (ii) institutions, entities owned by Persons with Disabilities, associations and organizations, including those controlled and managed by the Government, which promotes the rights of and provide services to Persons with Disabilities and issue certificates of registration thereof;
 - (iii) all existing organizations of or for persons with disabilities shall apply in the prescribed manner to the Council for registration;
 - (iv) all organizations of or for Persons with Disabilities and any integrated organization with at least seventy per cent persons with disabilities shall within 12 months of formation, apply to the Council, in the prescribed manner, for registration;
- (d) facilitate systematic collection, analysis and use

of national statistics and data on issues relating persons with disabilities;

- (e) to provide—
 - (i) Information and technical assistance to institutions, associations and organizations concerned with the rights, habilitation and rehabilitation of persons with disabilities, and
 - (ii) assess and report on the status of implementation of human rights and programmes for Persons with Disabilities and to advise on the relative priorities to be given to the implementation thereof,
- (f) undertake intensive public awareness and education on the rights of persons with disabilities;
- (g) carry out and publicize research on any matter relating to human rights of persons with disabilities;
- (h) establish and maintain linkages and networking with local and international organizations, including organizations of and for persons with disabilities;
- (i) promote the establishment of self-help organization and the setting up of specific projects for the benefits of persons with disabilities ,
- (j) Perform such other functions as may be assigned to the Council under this or any other law.

Composition of the Council.

9. (1) The Council shall consist of the following members appointed by the Cabinet Secretary by notice in the Gazette—

- (a) the Chairperson drawn from organizations of persons with disabilities;
- (b) four persons representing various categories of disabilities, nominated by organizations of persons with disabilities;
- (c) two persons nominated by organizations for persons with disabilities, one of whom shall be from organization of parents of persons with mental disabilities;
- (d) one member representing the Principal Secretary in the ministry responsible for matters relating to disabilities;
- (e) one member representing the Principal Secretary in the ministry responsible for finance;
- (f) the Executive Director of the Council who shall be the Secretary to the Council.

(2) The Cabinet Secretary, when making appointments under this section shall ensure that—

- (a) there is equitable representation of categories of persons with disabilities and that not more than two-thirds of the members are of the same gender;
- (b) at least one of the members of the Council shall be from a rural-based organization;
- (c) persons appointed have knowledge or experience of the needs of persons with disabilities and belong to a related group or organisation;
- (d) the requirement of a mix of skills across all functionalities of the Council is observed.

Qualifications for appointment of chairperson and members.

10. (1) A person shall be qualified for appointment as the chairperson of the Council if the person-

- (a) is a Kenyan citizen;
- (b) holds at least a first degree from a university recognized in Kenya;
- (c) has knowledge and at least seven years' working experience, of which five years shall be on matters relating to disabilities, human rights or social development; and
- (d) meets requirements of Chapter Six of the Constitution

(2) A person shall be qualified for appointment as a member of the Council if the person-

- (a) is a Kenyan citizen;
- (b) has knowledge and at least five years experience of which three years shall be on matters relating to disabilities;
- (c) meets the requirements of Chapter Six of the Constitution of Kenya.

(3) A person shall not be qualified for appointment as the chairperson or a member of the Council such person-

- (a) has been removed from office for contravening the provisions of the Constitution or any other law;
- (b) is a public officer except those mentioned in 9(2) (d) and (e) above;
- (c) is a member of a governing body of a political party;
- (d) is a member of Parliament or a county assembly;
- (e) has been convicted of a felony and sentenced to a term of imprisonment;
- (f) has been convicted of an offence under this Act;
- (g) has been compelled to resign or been removed from office, on account of abuse of office;
- (h) is adjudged bankrupt or has entered into a composition scheme or arrangement with the creditors; or

- (i) is disqualified under the provisions of any other written law from appointment as such.

Election of the Vice-Chairperson.

11. (1) The members of the Council shall, at their first meeting elect one among their number to be a vice chairperson.

(2) The person elected under subsection (1) shall be of opposite gender and of a different category of disability from the Chairperson.

Tenure of office of Members of the Council.

12. (1) The Chairperson and members of the Council shall hold office for a term of three years and shall be eligible for re-appointment for one further term.

(2) A member may—

(a) at any time resign from office by notice in writing to the Cabinet Secretary;

or

(b) be removed from office by the Cabinet Secretary if the member—

(i) has been absent from three consecutive meetings of the Board without the permission of the chairperson, or in the case of the chairperson, without the permission of the Cabinet Secretary;

(ii) is adjudged bankrupt or enters into a composition scheme or arrangement with the creditors;

(iii) is convicted of an offence involving fraud or dishonesty;

(iv) is convicted of a criminal offence and sentenced to a term of imprisonment;

(v) is found to have acted in a manner prejudicial to the aims and objectives of this Act;

(vi) fails to comply with the provisions of

this Act relating to disclosure of interest as provided under the First Schedule to this Act; or

- (vii) is otherwise unable or unfit to discharge his or her functions as a member of the Council.

(3) Within fourteen days of the occurrence of a vacancy in the office of the chairperson or member, the Cabinet Secretary, shall by notice in two daily newspapers of national circulation and on the official website of the Ministry in responsible for matters relating to Disabilities, declare a vacancy in the Board, and invite applications from qualified persons.

(4) The First Schedule shall apply with respect to the conduct of the business and affairs of the Board.

Executive Director of the Council.

13. (1) The Council shall appoint an Executive Director through an open, transparent and competitive recruitment process.

(2) The Executive Director shall be the secretary to the Council.

(3) A person shall be qualified for appointment as the Executive Director of the Council if the person-

- (a) is a citizen of Kenya;
- (b) holds at least a Masters' degree or its equivalent from a university recognized in Kenya;

(c) has at least seven years of proven work experience with at least five years being at senior management level in a public or private institution; and

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

(4) The Executive Director shall hold office for a renewable term of three years.

(5) The Executive Director shall be the Accounting Officer of the Council and be responsible to the Board for the day-to-day management of the affairs of the Council, and

(6) Shall perform such other functions as may be conferred on him or her by this Act or by any other written law.

Removal of the Executive Director.

14. (1) The Executive Director may be removed from office by the Council in accordance with the terms and conditions of service, for—

- (a) inability to perform functions of the office;
- (b) gross misconduct or misbehavior;
- (c) incompetence or negligence of duty;
- (d) when he or she is declared bankrupt or has entered into a composition scheme or arrangement with his or her creditors;
- (e) violation of the Constitution and any other law; or
- (f) any other grounds specified in the terms and conditions of service.

(2) Before the Executive Director is removed under subsection (1) he or she shall be given—

- (a) sufficient notice in writing of the allegations made against him or her; and
- (b) an opportunity to present his or her defense against the allegations.

(3) The Council shall in implementing this provision ensure compliance with the provisions of the Employment Act.

Remuneration of Chairperson and Members.

15. The Chairperson and Members of the Council shall be paid such allowances as may be approved by the Cabinet Secretary with the advice of the Salaries and Remuneration Commission.

Staff of the Council.

16. (1) The Council may appoint such staff as may be necessary for the proper discharge of its functions under this Act, and upon such terms as the Council in consultation with the Salaries and Remuneration Commission may determine.

(2) The staff appointed under subsection (1) shall serve on such terms and conditions as the Council may determine.

(3) The National and County Governments may, upon request by the Council second to the Council such number of public officers as may be necessary for the proper performance of the functions of the Council.

(4) A public officer seconded to the Council shall, during the period of secondment, be deemed to be an officer of the Council and shall be subject only to the direction and control of the Council.

Delegation by the Council.

17. (1) The Council may delegate to any of its committees, members, the Executive Director, agencies either generally or otherwise as provided by the instrument of delegation, any of its powers other than—

(a) duties to make decision under the Act;

(b) power of delegation itself; and

(c) the powers to revoke or vary delegation.

(2) A delegated power shall be exercised in accordance with the instrument of delegation.

(3) A delegation may, at any time, be revoked or varied by the Council.

Common seal.

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

(2) 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 or authorization by the Council under this section shall be presumed to have been duly given.

(3) The affixing of the common seal of the Council shall be authenticated by the signature of the Chairperson of the Council or the Executive Director.

Provided that the Council may, in the absence of either the Chairperson or the Executive Director, in any particular matter, nominate one member of the Council to authenticate the seal of the Council on behalf of either the Chairman or the Executive Director.

Protection from personal liability.

19. No matter or thing done by a member of the Council or by any officer, member of staff or agent of the Council shall, if the matter or thing is done bona fide for executing the powers, functions, or duties of the Council, render the member, officer, employee or agent or any person acting on his or her directions personally liable to any action, claim or demand whatsoever.

Effect of registration.

20. The Disability Identification Card or a certificate of registration issued by the Council under section 8 (c) shall be conclusive evidence that—

- (a) the holder is a Person with disability;
- (b) the institution, integrated enterprise or organization is registered with the Council.

Powers to hold inquiries.

21. (1) The Council may conduct an inquiry or a sectoral investigation —

- (a) Where it considers it necessary or desirable for the purpose of carrying out its functions; and
- (b) upon receiving a direction by the Cabinet Secretary in writing, requiring it to conduct an inquiry or a sectoral investigation into a matter specified in the direction.

(2) A direction by the Cabinet Secretary under subsection (1)(b) shall specify a period within which the Council shall submit its report to the Cabinet Secretary.

(3) At the request of a regulatory body, the Council may conduct an inquiry into any matter affecting persons with disabilities and provide a report within a reasonable period.

Funds of the Council.

22. The funds of the Council shall consist of the following—

- (a) funds voted by the National Assembly for purposes of the Council;
- (b) such moneys, as may accrue to or vest in the Council in the course of the exercise of its powers or the performance of its functions; and
- (c) any grants, testamentary gifts, donations or other endowments given to the Council.

Accounts and Audit.

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

(2) The Council shall within a period of not less than three months before the commencement of each financial year, cause to be prepared estimates of the revenue and expenditure, differentiating the recurrent, development and the Fund expenditure of the Council for that financial year.

(3) Within a period of 3 months after the end of each financial year, the Council shall submit to the Auditor General the Accounts of the Council in respect to that year together with—

- (a) a statement of the income and expenditure of the Council during that financial year;
- (b) a balance sheet of the Council on the last day of that financial year;
- (c) a statement of the assets and liabilities of the Council on the last day of that financial year;
- (d) any other records of account required under the Public Audit Act, 2003; and
- (e) the financial year of the Council shall be the period of twelve months ending on the thirtieth June in each year.

(4) The audited accounts of the Council shall be in accordance with the Public Audit Act and the Public Finance Management Act.

Annual Report.

24. (1) Before the thirtieth September each year, the Council shall prepare an annual report in respect of the year up to the immediately preceding thirtieth June and submit it to the Cabinet Secretary before the thirtieth November in that year.

(2) The annual report shall provide information regarding the activities and plans of the Council during the year and such additional information or other material as the Cabinet Secretary may request in writing.

(3) Publish an annual report in respect of the year up to and immediately preceding thirtieth June outlining measures taken by it towards the realization of the values and principles of the public service in accordance with Articles 10 and 232 of the Constitution.

(4) Submit its financial statement to the Cabinet Secretary responsible for matters relating to disabilities.

(5) The Cabinet Secretary shall, within two months after receiving the annual report, transmit it to the National Assembly.

(6) The annual report shall be published and publicized in such other manner as the Council may determine.

**PART III-RIGHTS OF PERSONS WITH
DISABILITIES**

Right to Equality and
Non-Discrimination.

25. (1) Every person with disability is-

- (a) equal before the law in the social, cultural, economic, political, or any other field of life and is guaranteed to protection, benefit of the law and to effective legal protection against discrimination on all grounds;
- (b) entitled to the full and equal enjoyment of the goods, services, facilities, or accommodations on an equal basis with others.

(2) Special measures, including reasonable accommodation and support services which are necessary to accelerate or achieve equality and eliminate discrimination against persons with disabilities shall not be considered discrimination.

(3) Discrimination against persons with disability by public and private entities at any levels of life is prohibited.

Right to Legal Capacity.

26. (1) Every person with disability has the right to recognition of legal capacity before the law and shall have the right to protection and benefit of the law on an equal basis with others.

(2) Every person with disability is entitled to the support services he or she may require in exercising the right to legal capacity.

(3) Every person with disability has equal right to own or inherit property, to control his or her own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit.

Right to marry and form a family.

27. (1) Every person with disability who is of marriageable age has the right to marry and form a family on the basis of free and full consent.

(2) Every Person with Disability has the right to control their sexuality and reproductive health.

(3) No person with disability shall be separated from his or her child on the ground of disability.

(4) Every person with disability shall at marriage, during marriage and at the dissolution of marriage be entitled to affirmative action in the protection of his or her property acquired at marriage, during marriage and dissolution of marriage.

Right to Privacy.

28. (1) Every person with disability has a right to privacy and shall not be subjected to arbitrary interference and intrusion with his or her privacy, family, home or correspondence or other types of communication.

(2) Every public and private institution shall protect confidential information relating to personal health, habilitation and rehabilitation services for persons with disabilities with dignity and such information shall not be shared without express authority of the person with disability concerned.

Women with Disabilities

29. Every woman with disability has the right to enjoyment of her human rights and fundamental freedoms without discrimination on an equal basis with others, including the right to-

- (a) participate in social, economic and political decision-making and other related activities;
- (b) protection from sexual and gender-based violence;
- (c) be provided with habilitation, rehabilitation and psychosocial support against sexual and gender-based violence;
- (d) sexual and reproductive health services;
- (e) retain and control her fertility;
- (f) keep her child and not be deprived of her child on grounds of disability; and
- (g) full development, advancement and empowerment.

Children with
Disabilities

30. Every child with disability has the right and freedom on an equal basis with other children in respect to—

- (a) a name and registration immediately after birth;
- (b) evolving capacities, identities and to enjoy a full and decent life, in conditions which promote and ensure dignity, self-reliance, and independence;
- (c) freedom to express his or her views on all matters affecting him or her; and
- (d) age-appropriate assistance to realise his or her rights.

Youth with Disabilities

31. (1) Every young with disabilities is entitled to enjoyment of human rights and fundamental freedoms on an equal basis with other youth.

(2) The Council in consultation with National and County Governments and other state agencies shall take policy, legislative, administrative and other measures to ensure that the rights of youth with disabilities are fully respected, including by—

- (a) promoting full, inclusive and accessible education, training and employment and programmes for youth with disabilities;
- (b) promoting the inclusion of youth with disabilities in mainstream youth organisations and programmes;
- (c) removing barriers that hinder or discriminate against the participation of youth with disabilities in society;
- (d) promoting training and access to Information, Communication and technology especially for youth with disabilities in rural areas;
- (e) developing programmes to overcome social and economic isolation, and removing systemic barriers in the labour market for youth with disabilities;
- (f) ensuring access to credit facilities for youth with disabilities; and
- (g) developing and implementing special measures to facilitate full and equal participation of youth with disabilities in training, sports, culture, science and technology.

Elderly Persons with Disabilities

32. Every elderly person with disability has the right to enjoyment of human rights and fundamental freedoms on an equal basis with others, including the right to—

- (a) access social protection programmes;
- (b) exercise his or her legal capacity and that appropriate measures and safeguards are put in place to provide him or her with support he or she may require to exercise the legal capacity; and
- (c) access inclusive services.

- Right to documents of registration or identification
- 33.** (1) Every person with disability has a right to be issued with a certificate of birth, national identification card, passport, and any other document of registration or identification
- (2) Every person with disability shall not be deprived, on the basis of disability, of his or her ability to obtain, possess and utilize documentation of his or her nationality or other documentation of identification, or to utilize relevant processes, that may be needed to facilitate exercise of other rights;
- Right to physical and mental Integrity
- 34.** Every Person with disability has a right to respect for his or her physical and mental integrity and the right to security of the person including his or her survival, liberty, protection and development.
- Right to Human Dignity
- 35.** Every person with disability has a right to human dignity and the right for that dignity to be respected and protected and in particular not to be referred to by demeaning, embarrassing, derogatory and any other term that may be considered as lowering his or her human dignity;

Protection from abuse,
exploitation and
violence

36. (1) Every Person with disability has the right to be protected against all forms of abuse, neglect, exploitation and physical, mental, sexual, or emotional violence on the person of such person with disability in all settings at all places including, home, care-houses, educational institutions, hospitals and other institutions, workplaces, and any other place which resides, cohabits, employs or in other manner inhabits any person with disability whether temporarily or permanently.

(2) Any person or organization working with a person with disability, or any person, who has reason to believe that an act of exploitation, neglect, violence or abuse has been, or is being, or is likely to be committed against any person with disability, shall give information about it to law enforcement agencies in whose jurisdiction such incident occurs or is likely to occur, and such agencies shall take immediate steps on the receipt of such information to stop it and have the persons responsible for it arrested, or, if it has not occurred, to prevent its occurrence.

(3) Any person who fails to comply with the provisions on subsection (2) commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment to a term not exceeding one year or both.

Protection and Safety of
Persons with Disabilities
in situations of risk and
humanitarian
emergencies.

37. (1) Every person with disability has a right to suitable and specialized protection and safety in situations of risk, including but not limited to situation of tribal clashes, fire, armed conflict, cattle rustling, humanitarian emergencies, floods, epidemics, earthquakes, terrorism, collapsing buildings, and the occurrence of natural disasters.

(2) Every institution whether public or private, shall maintain an inventory of all persons with disabilities within its establishment if any and shall submit such inventory to the National and County governments and any other agencies responsible for disaster management.

(3) Entities which run places to which the public has access shall take appropriate measures to ensure protection and safety of persons with disabilities during the occurrence of any disaster and in situations of risk and humanitarian emergencies.

(4) The Kenya Defense Forces, the National Police Service and any other establishment whether public or private, engaged in emergency or humanitarian services shall, in all situations of armed conflict, tribal clashes, internally displaced persons, fire, armed conflict, cattle rustling, humanitarian emergencies, floods, epidemics, earthquakes, terrorism, collapsing buildings, and the occurrence of natural disasters take measures to ensure the safety and protection of persons with disabilities in light of the obligations under International Human Rights and the relevant international conventions on human rights.

(5) Every construction and reconstruction programmes and activities undertaken by the Government and any other establishment whether public or private engaged in emergency or humanitarian services shall, after consultation with the Council, in response to any situation of armed conflict, humanitarian emergencies or natural disasters take into account the accessibility requirements of persons with disabilities.

Special measures for
persons with Disabilities.

38. (1) Every person with disabilities is entitled to special measures to accelerate the equal participation in the social, cultural, economic, civil, political, or any other field

(2) (2) Every public and private institution shall take effective measures and, where appropriate, special measures to ensure continuing improvement of economic and social conditions of persons with disabilities.

Right to Education.

39. (1) Every child and Person with disability has a right to admission to any institution of learning and access to an inclusive, quality and free primary and secondary education on an equal basis.

(2) No child or other person with disability shall be excluded from the education system on the basis of disability.

(3) The National government shall facilitate participation of persons with disabilities in accessible and adaptable continuing adult education programmes on an equal basis.

(4) The National and County Governments shall ensure that persons with disabilities have access to inclusive education, without discrimination and on an equal basis at all levels.

(5) Children with disabilities shall not be excluded from free and compulsory early childhood, primary or secondary education, on the basis of disability;

(6) Every child with disabilities has a right to equal access to play, recreation and leisure and sporting activities, including those activities in the school system.

(7) The Council in consultation with relevant Government establishments shall ensure that -

(a) learning institutions take into account the needs of persons with disabilities with respect to the set entry requirements, pass marks, curriculum, examinations, auxiliary services, use of school facilities, class schedules, physical education requirements and other similar considerations;

(b) learning institutions provide individualized support measures, appropriate equipment, assistive devices, adoptive technologies and other supportive services in environments that maximize academic and social development, consistent with the goal of full inclusion of students with disabilities.

(c) the Ministry responsible for education formulates strategies to implement inclusive education through-

- (i) enforcement of recruitment and retention of special education teachers in all schools and institutions;
- (ii) development of a least restrictive environment by adaptation and Structural adjustments of all educational institutions to the needs of persons with disabilities
- (iii) establishment of specialized institutions that undertake research and development in education for learners with disabilities.
- (iv) establishment of at least one assessment center in each county to support educational institutions within the county, by way of teacher trainers, educational aids, equipment and materials.
- (v) promotion of the use of appropriate augmentative and alternative modes, means and formats of communication, adoptive technologies, including Braille and Kenya Sign Language; and
- (vi) introduction of Kenya sign language interpretation course in all training institutions.

(8) The Cabinet Secretary in charge of education shall develop an adaptable examination framework and award a certificate to children with mental disabilities after completion of their education.

(9) Any person who denies a person with disability

admission on the basis of disability commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years or both.

(10) In addition to sub section 8 the court may order unconditional admission of the Person with disability.

(11) The Cabinet Secretary responsible for education shall-

- (a) facilitate through policies and legislations, the development of persons with disabilities through their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- (b) in collaboration with the relevant line ministries shall provide training facilities for speech therapy, occupational therapy, physiotherapy, guidance and counseling, audiological assessments, habilitation, and aural and oral rehabilitation for children with disabilities; and
- (c) together with the County Education Committees in charge of education make policy, legislation and sustainable financial frameworks in each financial year to achieve full realization of the right to education for persons with disabilities.

(12) Every person with disabilities is entitled to receive the support services required, within the general education system, to facilitate his or her effective inclusive education.

(13) The Council shall work in consultation with relevant agencies of National and County Governments to make provisions for an integrated system of special and non-formal schools and institutions, especially for the deaf, the blind, the deafblind and those with developmental disabilities to cater for skills development and self-reliance,

and establishment of braille and recorded libraries for persons with visual disabilities.

Right to work and
Employment for Persons
with Disabilities.

40. (1) No employer shall discriminate against a qualified Person with disability in job application procedures, hiring, advancement and other terms, conditions, and privileges of employment.

(2) Every employer shall—

- (a) reserve five per cent direct employment opportunities for persons with disabilities to secure employment;
- (b) formulate policies and programmes to promote basic human rights, improve working conditions, and enhance employment opportunities for persons with disabilities;
- (c) when recruiting, not to discriminate solely on account of disability;
- (d) not conduct any test or examination to establish whether an applicant is a person with a disability or as to the nature or severity of the person's disability; and
- (e) be required to carry out appropriate modifications in their work premises to accommodate the employment of persons with disabilities;

(3) Every employer shall submit an annual, report on the status of employment of persons with disabilities within their establishments to the Council in a format as may be prescribed by the Council.

(4) Every employer shall apply special measures to employees with disabilities in promotions, training and other related matters arising in the course of, or through the length of employment.

(5) Without limiting the generality of section 2 (c), the following may constitute acts of discrimination—

- (a) limiting, segregating or classifying a job

applicant with disabilities in a manner which adversely affects his or her work opportunities;

- (b) using qualification standards, employment tests or other selection criteria that screen out or tend to screen out or prohibit career progression of persons with disabilities;
- (c) utilizing standards, criteria, or methods of administration showing the effect of discrimination on the basis of disability or perpetuating the discrimination of others who are subject to common administrative control;
- (d) providing less payment, remuneration or fringe benefits, to a qualified employee with disability, than the amount paid to others performing the same work;
- (e) favoring an employee without disability over a qualified employee with disability with respect to promotion, training opportunities, study and scholarship grants, solely on account of the latter's disability;
- (f) re-assigning or transferring a qualified employee with disability from a task or position the employee is able to can perform to one which he or she cannot perform because of his or her disability;
- (g) failing to select or administer in the most effective manner, employment tests which accurately reflect the skills, and aptitude of an applicant or employee with disability, rather than the impaired sensory, manual or speaking skills of such applicant or employee: if any; and
- (h) excluding persons with disabilities from membership in trade and labour unions or similar organizations.

(6) No person with disability shall be dismissed or suffer any reduction in rank solely on the grounds of disability, acquiring any disability, or any consequences thereof:

provided that-

- (a) if any employee with disability is placed under undue stress or disadvantage in the usual course of employment as a result of the disability, such employee shall be eligible for a post at the same rank with adequate support; and
- (b) such employee may, if required by the nature of disability, be to another post with the same pay scale and service and if it is not possible to adjust the employee against any post, the employee may be kept on a supernumerary post until a suitable post is available or he attains the age of supernumeracy, whichever is earlier.

(7) For the purposes of subsection (5), the age of supernumeracy shall be the age as determined by government from time to time

(8)The Cabinet Secretary responsible for finance shall, in consultation with the Council develop regulations to actualize the provisions of sub-section (7):

Provided that any establishment that fails to comply with sub-section (2)(a) shall pay a ten percent penalty on their wage bill to the Fund for creation of employment for persons with disabilities.

(9) Within six months of the commencement of this Act, every employer shall put in place an Equal Opportunity Policy detailing measures and commitments initiated by the employer in pursuance of the provisions of this Part and any Rules made thereunder.

(10) An Equal Opportunity Policy shall—

- (i) delineate measures taken in order to comply

with the provisions of this Act; and

- (ii) provide strategies to increase employment opportunities with specific attention to all schemes and reasonable accommodation measures.

(11) Every employer shall deposit a copy of their Equal Opportunity Policies with the Council.

(12) A private employer who engages a person with a disability with the required skills or qualifications either as a regular employee, apprentice or learner shall be entitled to apply for a deduction from its taxable income equivalent to twenty five percent of the total amount paid as salary and wages to such employee:

Provided that such an employer shall present proof certified by the Council of the employees of the person in respect of whom it claims the deduction and the persons with disabilities so employed are accredited with the Council as to their disabilities, skills and qualifications.

(13) A private employer who improves or modifies its physical facilities or avails special services in order to provide reasonable accommodation for employees with disabilities shall be entitled to apply for additional deductions from its net taxable income equivalent to fifty percent of the direct costs of the improvements, modifications or special services.

(14) All employers shall provide medical and life insurance to their employees with disabilities.

(15) Denial of insurance to employees with disabilities or its provision on disproportionate premium or unequal conditions constitute discrimination against such employees.

(16) For purpose of this section "Reasonable accommodation" for purposes of employment includes-

- (a) making existing facilities used by employees readily accessible to and usable by persons with disabilities; and
- (b) job restructuring, part time or modified work schedules, reassignment to a vacant or suitable position, acquisition or modification of equipment or devices, appropriate adjustments or modifications of examinations, training materials or policies, the provisions of qualified readers or interpreters, and other similar accommodations for persons with disabilities.

(17) For purposes of general application of this section, “discrimination” may include-

- (a) limiting or classifying a job applicant or employee in an adverse way;
- (b) denying employment opportunities qualified persons;
- (c) not making reasonable accommodation for the known physical or mental limitations of an employee with disabilities;
- (d) not advancing employees with disabilities in employment; and
- (e) not providing necessary accommodations in training materials or policies; and the provision of qualified readers or interpreters.

(18) The retirement age for persons with disabilities shall be five years above the mandatory retirement age.

Right to Health.

41. (1) Every Person with disability has the right to health, including health-related habilitation and rehabilitation services without discrimination on the basis of disabilities.

(2) Every Person with disability has the right to the enjoyment of sexual and reproductive health rights on an equal basis with others.

(3) Every Person with disability has the right to information that will enable him or her to make responsible and informed choices about their sexual and reproductive health.

(4) Every Person with disability has a right to be treated with respect, privacy and dignity while seeking health related services.

(5) Every Person with disability shall be entitled to free medical care and treatment on condition of his or her disabilities in public owned health institutions

(6) Medical assessment reports for persons with disabilities, including for purposes of registration, employment or compensation shall be done free of charge in public owned health institutions.

(7) Every public owned health institution shall employ at least two Kenya Sign Language Interpreters with gender consideration in hospital organizational structure;

(8) It is an offence for a health worker to discourage a person with a disability from conceiving or having children.

(9) A person who contravenes sub section 8 commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or both.

(10) No person with disability shall be subject to any medical procedure which leads to or could lead to infertility without their express consent.

Provided that in cases of medical necessity confirmed by a medical practitioner such medical

procedure maybe performed on a minor with disability with the parent or guardian's consent.

(11) The National and County governments shall facilitate a broad range of modifications and adjustments to ensure access to health care for persons with disabilities services, including operation tables, examination and delivery beds.

(12) Every Person with disability is entitled to priority attendance by medical personnel.

(13) The National and County Governments shall implement special health services required by persons with disabilities including-

- (a) user-friendly hospital materials, for use by persons with disabilities visiting hospitals:
- (b) community based public health programmes relevant to persons with disabilities; and
- (c) barrier-free access in all parts of the hospitals and other healthcare institutions and centers run or aided by them.

Council to participate in Health Programmes.

42. (1) The Council shall be represented in the implementation of the National and County Health Programs under the Cabinet Secretary and County executive committee responsible for health for the purpose of—

- (a) prevention of occurrence and early identification of disability;
- (b) early rehabilitation of persons with disabilities;
- (c) enabling persons with disabilities to receive free habilitation and rehabilitation and medical services in public and privately owned health institutions;
- (d) availing health services and field medical personnel to persons with disabilities at an affordable cost; and
- (e) prompt attendance by medical personnel to persons with disabilities.

(2) Every person with disabilities has a right to information, communications technologies and systems which includes talking software, Braille materials, hearing aids and other communication devices ;

(3) The Council shall work with relevant government agencies and the private sector in the development and promulgation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public.

(4) The standards and guidelines promulgated under sub-section (3) shall ensure that they are age and gender appropriate and are applicable to-

- (a) all buildings and facilities used by the public;
- (b) permanent, temporary or emergency conditions;
- (c) road and rail based transport;

- (d) aviation;
- (e) maritime transport and ports;
- (f) pedestrian infrastructure including zebra crossings and sidewalks;
- (g) public transport system;
- (h) any other mode of transport; and
- (i) so that any Person with disability is able to travel with safety and comfort.

(5) Proprietors of Public and Private healthcare facilities shall provide physical access to buildings and clinics as well as other indoor and outdoor facilities crucial to persons with disabilities.

Access to information and communication technology services.

43. (1) Every person with disability has the right to access information, communication and other services including the right to freedom of expression and opinion, the freedom to seek, receive and impart information and ideas, electronic and emergency services open or provided to the public on an equal basis with others in a timely manner and without additional cost and through all forms of communication of his or her choice.

(2) It shall be the obligation of public and private institutions to provide information intended for the general public, including through the Internet to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities.

(3) Public and Private institutions shall accept and facilitate the use of Kenya sign language, Braille, augmentative and alternative communication, and all other accessible means and usable formats of communication to accommodate the needs of persons with disabilities;

(4) All television and radio stations including telephone service providers shall provide information and services in accessible formats and technologies appropriate to different kinds of persons with disabilities.

(5) All telecommunications entities in Kenya shall take steps to ensure functionally equivalent services for consumers with disabilities to effectively access services, products and programs offered by them.

(6) All television stations shall provide a Kenya sign language inset, sub-titles in newscasts, and educational programs, and in all programs covering events of national and international significance.

(7) All institutions of higher learning shall have a common course in Kenya Sign Language.

(8) Any public or private institution that fails to comply with the provisions of this section shall have its licence suspended and shall not be reinstated until it complies.

Access to Justice.

44. (1) Every Person with disability has a right to effective access to justice on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, at investigative and other preliminary stages.

(2) The Chief Justice, the Attorney General, the Director of Public Prosecutions and other law enforcement agencies working in the administration of justice shall ensure effective access to justice for persons with disabilities, by promoting appropriate training, including training for judges, magistrates, prosecutors, police officers and prison staff.

(3) The Attorney-General, in consultation with the Council and the Law Society of Kenya, shall make regulations providing for free legal services for persons with disabilities with respect to the following—

- (a) matters affecting the violation of the rights of persons with disabilities or the deprivation of their property;
- (b) cases involving capital punishment of persons with disabilities; and
- (c) such matters and cases as maybe prescribed in the regulations made by the Attorney General.

(4) The Chief Justice shall make rules providing for—

- (a) the exemption, of persons with disabilities from the payment of court fees in relation to matters or cases described in subsection (3); and
- (b) the provision, to persons with disabilities who attend court, of free Kenya Sign Language interpreters, Braille services, other communication formats and technologies

accessible to persons with disabilities, physical guide assistance and intermediaries.

(5) Accused persons with disabilities who are denied bail shall be entitled to be held in custody in facilities modified in accordance with regulations made in accordance with the Third schedule.

(6) The Chief Justice shall endeavour to ensure that all suits involving persons with disabilities are disposed of expeditiously having due regard to the particular disability and suffering of such persons.

(7) The Director of Public Prosecutions shall make regulations providing for investigation and prosecution of criminal cases involving persons with disabilities.

(8) The intermediaries assisting the persons with disabilities in any trial shall be competent and compellable witnesses.

(9) Law enforcement agencies and institutions shall take into consideration the disability of a person on arrest, at detention, investigation, trial or confinement.

(10) Institutions of training for law enforcement personnel shall have as part of their curricula, the study of matters relating to disability.

(11) The Judiciary, Office of the Attorney General and the Directorate of Public Prosecutions shall undertake appropriate training for officers working in the field of administration of justice, including judges, magistrates, prosecutors, police officers and prison staff in order to ensure effective access to justice for persons with disabilities,

Sports, Recreation,
Leisure and Culture.

45. (1) Every Person with disability has a right to take part on an equal basis with others in sports, recreation, leisure and cultural activities national, regional and international levels.

(2) The Ministries responsible for sports, recreation, leisure and cultural activities in consultation with the Council shall take appropriate measures to enable Person with disability to have the opportunity to develop and utilize his or her creative, artistic and intellectual potential.

(3) Person with disability shall be entitled, on an equal basis with others, to recognition and support of his or her specific cultural and linguistic identity, including Kenya Sign language and Deaf culture.

2. (4) In fulfilling the requirements of section 42(2), the Ministries responsible for sports, recreational, leisure and cultural activities shall set aside at least fifteen percent of all funds committed to sports and culture, recreational activities to be used for the development of the recreation and sports for persons with disabilities.

3.

4. (5) Every public and private institution with sporting, recreation, leisure and cultural activities for their employees shall ensure that such sporting, recreational, leisure and cultural activities are sensitive to the needs of persons with disabilities.

5.

6. (6) Government agencies and institutions responsible for curriculum development shall restructure courses and programmes to ensure access, inclusion and participation of persons with disabilities in all sporting activities.

7.

(7) Every person with disability shall be entitled to the use, free of charge, of recreational and tourism venues or sports facilities owned or operated by the Government during social, sporting or recreational activities.

(8) Sub-Section (7) shall not apply in cases where there is exclusive private hire of such facilities.

(9) The National and County government shall provide persons with disabilities with the necessary suitable environment, including appropriate instruction, training, resources and medical personnel, architectural infrastructure, apparatus and equipment, transportation facilities for the participants.

Accessibility.

46. (1) Persons with disabilities are entitled to a barrier-free and disability-friendly environment to enable them to have access to buildings, roads and other social amenities, and assistive devices and other equipment to promote their mobility.

(2) Every person with disability has a right to accessibility as an essential pre-condition to enable him or her to live independently and participate fully in all aspects of life and shall have the right to be provided with such accessibility to the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services including emergency services open or provided to the public.

(3) Public and private institutions shall implement minimum standards and guidelines for the accessibility of facilities and services open or provided to the public to accommodate all aspects of accessibility for persons with disabilities.

(4) Every person with disability has the right to free movement with his or her assistive devices and services including guide animals and no Person with disability shall be denied access to any public place because of the nature of his or her assistive devices and services.

(5) The relevant government agencies when approving building plans shall ensure that such plans are compliant to the accessibility standards and regulations promulgated.

(6) No individual, organization or establishment shall be issued a certificate of completion or allowed to take occupation of a building if it has failed to comply with the standards and regulations.

(7) All new construction, modification or alterations on built environment immediately after the effective date of this Act shall fully comply with the standards set out in the Third Schedule on accessibility of the built environment for persons with disabilities.

Adjustment Orders.

47. (1) This section shall apply to-

- (a) all premises to which members of the public are ordinarily admitted whether on payment of a fee or otherwise;
- (b) public transport operators and providers of communication and information services; and
- (c) all services or amenities ordinarily provided to members of the public.

(2) If the Council considers that any premises, services or amenities are inaccessible to persons with disabilities by reason of any structural, physical, administrative or other impediment to such access, the Council shall, subject to this section, serve upon the proprietor of the premises or the provider of the services or amenities concerned, an Adjustment Order-

- (a) setting out:-
 - (i) a full description of the premises, services or amenities concerned; and
 - (ii) the grounds upon which the Council consider that the premises, services or amenities are inaccessible to persons with disabilities;
- (b) requiring the owner or provider concerned to undertake at his or her own expense such action as may be specified in order to secure reasonable access by persons with disabilities to the premises, services or amenities concerned: and
- (c) stipulating the period within which the action referred to in paragraph (b) shall be commenced and completed.

(3) Before serving the Adjustment Order under subsection (2,) the Council shall serve notice upon the

person concerned-

- (a) specifying the grounds upon which the Adjustment Order is to be issued and the nature of the action which the Council considers necessary to rectify the situation which has given rise to the proposed order;
 - (b) stipulating the maximum period that the Council considers reasonable for the implementation of the action it proposes to order: and
 - (c) calling upon the person concerned, to make representations to the Council within a specified period from the date of the service of the notice.
- (4) After considering the representations if any, referred to in subsection (3) (c), the Council may issue, refrain from or defer the issuing of an Adjustment Order.
- (5) Within thirty days after an Adjustment Order is confirmed or issued under subsection (4), the person concerned may appeal to the High Court against the confirmation or issue of the Adjustment Order.
- (6) A person is guilty of an offence if he or she fails to comply with an adjustment order served under this section.
- (7) A person who is convicted of an offence under subsection (1) is liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Civil and Political rights
for persons with
disabilities.

47. (1) Every Person with disability has a right to participate in political and public life and the opportunity to enjoy them on an equal basis with others, and to vote for and be voted directly or through freely chosen representatives in any public or political office.

(2) Notwithstanding the provisions of any other law, every governing body of a political party shall have in its membership at least one man and one woman with disabilities who are duly registered with the Council.

(3) It shall be the responsibility of the Independent Electoral and Boundaries Commission to guarantee that persons with disabilities exercise their civic and political rights by-

- (a) facilitating voting procedures, facilities and materials which are appropriate, accessible and easy to understand and use;
- (b) protecting the rights of persons with disabilities to vote by secret ballot in elections without intimidation and to offer themselves for elections;
- (c) allowing assistance in voting by a person of their own choice, on request and facilitating the use of assistive and appropriate technologies; and

(4) The Inspector General of police shall provide security to persons with disabilities who are candidates in the general election.

(5) Duly registered political parties participating in general election shall submit the name or names respectively of a candidate with disability submitted on the party list in compliance with relevant articles and sections of the Constitution, Political Parties Act and the Elections Act in the case of representation in Parliament, Senate and County Assemblies;

(6) A person who undertakes to render assistance under subsection (5)(c) shall do so strictly in accordance

with the instructions of the voter.

(7) A person described in subsection (3) shall bind himself or herself, in the prescribed form, to comply with that subsection.

(8) The Council shall clear and issue a certificate of clearance to a Person with disability who desires to participate in an elective or appointive post during the general elections.

**PART IV- THE PERSONS WITH DISABILITIES
EMPOWERMENT FUND**

Establishment of the Fund.

48. (1) There is established a Fund to be known as the Persons with Disabilities Empowerment Fund.

(2) The Fund is established as a permanent Fund.

(3) The Fund shall vest and be administered by the Council through a Standing committee of the Council.

(4) The Fund and income thereof shall be used for the benefit of persons with disabilities in Kenya.

Composition of the Standing Committee.

49. (1) The standing Committee established in Section 47(1) shall consist of-

(a) Three board members of the Council,

(b) Two co-opted members representing development partners, experienced in matters relating to finance; and

(c) The Executive Director of the Council who shall be the secretary of the committee.

(2) The Standing Committee shall conduct its affairs according to regulations prescribed under Schedule II.

(3) The membership of the Committee shall observe gender representation.

Functions of the Standing
Committee.

50. (1) The functions of the Standing Committee shall
be to—

- (a) generally administer the Fund in accordance with provisions of this Act;
- (b) act as the Trustee to the Fund;
- (c) receive all payments required by this Act to be made to the Fund;
- (d) make payments out of the Fund to the identified persons with disabilities in accordance with the provisions of this Act;
- (e) manage and invest the funds of the Fund;
- (f) perform such other functions as are conferred on it by this Act.

(2) The Standing Committee shall prepare and submit to the Council quarterly and annual reports on the discharge of its functions in each year.

Sources of funds and
Payments from the Fund.

51. (1) The sources of the Fund shall be-

- (a) such moneys as may be appropriated by Parliament for the purposes of the Fund;
- (b) income generated by investments made by the Trustees;
- (c) any grants, donations, bequests or other contributions made to the Fund;
- (d) fees collected by the Council;
- (e) monies that may be borrowed by the Council for the discharge of the functions of the Council; and
- (f) all other payments due to the Council in respect of any matter incidental to its functions.

(2) Without limiting the generality of section 50(1), the Council may out of the Fund-

- (a) provide or contribute to the cost of supportive and assistive devices and services for persons with disabilities;
- (b) establish or contribute to any established social protection programs for the benefit of persons with disabilities;
- (c) provide grants to duly registered groups of and for persons with disabilities, parents of children with disabilities and entrepreneurs with disabilities;
- (d) pay for social assistance to persons with disabilities falling in the following categories and who have no other source of income:-
 - (i) persons with severe disabilities and who are therefore not trainable in any skills; and
 - (ii) aged persons with disabilities.

- (e) contribute towards extensive media coverage for persons who have suffered violence, abuse, neglect, discrimination or any other injustices due to their disabilities,
- (f) make any other payments or contributions to persons with disabilities or respective organizations as may be approved by the trustees..

(3) The Council may invest any of its funds in securities which are allowed by law, or in any other securities which the Treasury may, from time to time, approve.

(4) The Council may pay out of the Fund such sums of money required to defray the expenses incurred in the administration of the Fund, provided such sums of money shall not exceed fifteen per cent of the Fund allocation.

PART V-RELIEFS AND INCENTIVES

Exemptions.

52. (1) A Person with disability who are in receipt of an income may apply to the Cabinet Secretary responsible for finance for exemption from income tax and any other levies on such income.

(d) The Cabinet Secretary responsible for finance shall, in consultation with the Council, assess all applications received under subsection (1) and make such order thereon, if any, as he deems fit, exempting the applicant wholly, or to the extent provided by the order, from income tax or other levies specified therein, and any such order shall, notwithstanding the provisions of any other Act, have effect according to its terms.

(3) Materials, articles and equipment, including motor vehicles, that are modified or designed for the use of persons with disabilities shall be exempt from import duty, value added tax, demurrage charges, port charges and any other government levy which would in any way increase their cost to the disadvantage of persons with disabilities.

(4) All goods, items, implements or equipment donated to institutions and organizations of or for persons with disabilities shall be exempt from import duties, value added tax, demurrage charges, port charges and any other government levy which would in any way defeat the purposes of or increase the cost of the said donations.

(5) All goods, items, materials, machinery, tools, articles, implements or equipment donated to institutions and organizations of or for persons with disabilities shall be exempt from import duties, value added tax, demurrage charges, port charges and any other government levy which would in any way defeat the purposes of or increase the cost of the said donations.

(6) The purchase, importation, transfer or gift of health materials or equipment relating to Person with disability shall be exempted from tax, duties, surcharges or levies.

(7) The National and County governments shall not

collect license fee, levies and other charges from persons with disabilities

(8) An employee with a disability shall be entitled to exemption from tax on all income accruing from that employment.

Incentives.

53. (1) Any donations, bequest, subsidy or financial aid which may be made to institutions or organizations involved in the programmes of persons with disabilities and registered with the Council for the purposes of this section shall, notwithstanding the provisions of any other law and on recommendation by the Council, be allowed as deductions from the Donor's gross income for the purposes of computing taxable income.

(2) The Cabinet Secretary responsible for finance, in consultation with the Council, notwithstanding provisions of any other law, shall provide incentives to local manufacturers of assistive devices used by persons with disabilities including, but not limited to, the following-

- (a) Additional deductions for labour expenses;
- (b) Tax and duty exemptions on imported capital equipment;
- (c) Tax credits on domestic capital equipment;
- (d) Simplified customs procedures;
- (e) Unrestricted use of consigned equipment; exemptions from taxes and duties on raw materials;
- (f) Access to bonded manufacturing systems; and
- (g) Demurrage charges

Access to credit.

54. The Cabinet Secretary responsible for matters relating to credit unions, co-operatives and other lending institutions shall on the advice of the Council develop regulations, from time to time, to ensure access to credit by

persons with disabilities.

PART VI OFFENCES AND PENALTIES

Concealment of
Persons with
Disabilities

55. (1) A parent , guardian or next of kin shall not knowingly conceal any person with disability in such a manner as to deny any such a person the opportunities and services available under this Act or any other law

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

Denial of food and
fluids.

56. Any person who knowingly denies food or fluids to a Person with disability who is under his or her care or responsibility or aids or abets in such denial commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

Degrading treatment of
a Person with disability

57. Any person who voluntarily or knowingly commits or abets the degrading treatment of a person with disability by words, either spoken or written, or by signs or by visible representations or otherwise, commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

Negligence by medical
practitioners.

58. (1) A health professional shall not discriminate against persons with disabilities in the observance of ethical guidelines on informed consent and confidentiality while providing health care and other services to persons with disabilities.

(2) Without prejudice to subsection (1), every health care professional shall when making impairment-specific interventions, take special care to provide complete

information to persons with disabilities through accessible modes, methods and formats.

(3) Any health professional who contravenes the provisions of sub-section 1, 2 and 3 commits an offence and is liable on conviction to a fine not exceeding Kenya Shillings two million or to imprisonment for a term not exceeding one year, or both.

(4) A person who, being a Doctor or other medical practitioner negligently causes a disability to a patient commits an offence and is liable on conviction to a fine not exceeding Kenya Shillings five million or to imprisonment for a term not exceeding ten years, or both.

(5) A person not being a Doctor or medical practitioner, who causes a disability to another person or who through negligence or deliberately increases the disability of another person, commits an offence and is liable on conviction to a fine not exceeding ten million shillings or to imprisonment for a term of five years or both.

(6) Any persons who performs, conducts or directs any medical procedure to be performed on a Person with disability which leads to or is likely to lead to infertility is guilty of an offence and is liable upon conviction to a fine of three million Shillings or to imprisonment for a period not exceeding four years or both;

(7) Any person acting as a care-giver of the person with disability, whether as parent or guardian or in any other capacity, lawful or unlawful, who does any act to facilitate, or negligently fails to prevent such medical procedure from being performed, commit an offence and shall be liable on conviction to a fine not exceeding five hundred thousand or with imprisonment of one year or both.

(8) The medical practice guidelines shall be revised to harmonise them with the provisions of this Act.

Giving false
information for

59.

purposes of registration

- (a) a person commits an offence if he or she knowingly gives false information to the Council for the purpose of being registered or for the purpose of acquiring any right or privilege due to persons so registered .
- (b) whoever fraudulently avails or attempts to avail or confer or attempt to confer any benefit meant for persons with disabilities on a person not entitled to such benefit commits an offence.
- (c) any person who commits an offence under paragraph (a) or (b) above shall be liable on conviction to imprisonment for a term of six months or a fine of fifty thousand shillings or both.
- (d) any monetary benefits wrongly obtained under this section shall be returned with interest at commercial rates.

Failure to Furnish Information.

60. Any person who fails to produce any book, account or other document or to furnish any statement, information or particulars which, under this Act or any order, regulation or direction made or given there under, he or she is duty bound to produce or furnish, or to answer any question put in pursuance of the provisions of this Act or of any order, regulation or direction made or given thereunder, commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term of three months or both.

PART VII – MISCELLANEOUS

Protection of road users with disabilities.

61. It shall be the duty of the Government to make public roads and highways accessible to persons with disabilities including by inter alia-

- (a) equipping pedestrian crossings with traffic control signals controlled by a pedestrian push-button system; and
- (b) providing pedestrian traffic lights with clearly audible signals.

Advertisements implying discrimination.

62. (1) No person shall publish, display, circulate cause or permit to be published, circulated or displayed, an advertisement or notice that lowers or demeans the dignity of a Person with disability or which amounts to discrimination.

(2) For the purposes of subsection (1), "advertisement" includes all forms of publicity-

- (a) in newspapers, internet, television or radio;
- (b) by display of notices, signs, labels, show cards or goods;
- (c) by circulation of samples, catalogues pricelists, leaflets, handbills or any other form of circular;
- (d) by exhibition of pictures, models, photographs, films or any other form of exhibition.

Public Service vehicles and Transport.

63. (1) A registered owner of public transport vehicle shall adjust the vehicle to suit persons with disabilities in such manner as maybe specified by the Council in consultation with the relevant government agencies.

(1) A registered owner of public transport vehicle who improves or modifies it to make it accessible for Persons with Disabilities shall be entitled to apply to the Cabinet Secretary responsible for Finance for twenty five percent of

the direct cost of the improvements and modifications.

(2) A registered owner of public transport vehicle mentioned in sub section 2 shall present of modifications proof certified by the council in respect of the modifications.

(3) This section requires the provision of paratransit services by public entities that provide fixed route services.

Denial of admission into premises, etc

64. (1) A person shall not, on the ground of disabilities alone, deny a Person with disability-

- (a) admission into any premises to which members of the public are ordinarily admitted; and
- (b) the provision of any services or amenities to which members of the public are entitled.

(2) The proprietor of premises referred to in subsection (1) (a) shall not have the right, on the ground of a person's disability alone, to reserve the right of admission to his or her premises against such a person.

(3) A person with a disability who is denied admission into any premises or the provision of any service or amenity contrary to subsection (1) shall be deemed to have suffered an injury and shall have the right to recover damages in any court of competent jurisdiction.

(4) Without prejudice to subsection (3), damages awarded under that subsection shall be recoverable summarily as a civil debt.

Prohibition of discrimination relating to goods, facilities and services.

65. (1) A person shall not, provide goods, information or services, or make facilities available to the general public with a view, to discriminating against a Person with disability on the ground of that person's disability by-

- (a) refusing to provide to a person with a disability any service which he or she provides to other members of the public; or
- (b) deliberately making it impossible or unreasonably difficult for persons with disabilities to make use of the goods, information, service or facility.

Postal Charge Exemption.

66. (1) The following items shall be exempt, on the recommendation of the Council, from postal charges-

- (a) printed and recorded literature, articles, equipment and other devices for the use of persons with disabilities which are sent by mail and freight within and outside Kenya; and
- (b) All assistive devices and adaptive technology equipment for persons with disabilities sent outside Kenya by freight for repair;

(2) The exemptions under subsection (1) shall apply to items for personal or institutional purposes only where person or institution is registered with the Council.

Apprenticeship Technical, vocational Training, Rehabilitation and Self-Employment.

67. Every person with disability shall, subject to the provisions of the Employment Act, be eligible for engagement as an apprentice or learner in that particular occupation for the period for which he or she is hired.

Inspectorate Units and Inspectors.

68. (1) All government ministries shall establish a Disability Mainstreaming Unit for the purpose of-

- (a) mainstreaming disabilities issues;
- (b) carrying out regular inspections to ensure implementation and compliance with the provisions of this Act; and
- (c) liaising with the Council on disabilities matters

(2) Each respective ministry shall appoint an officer to head the Disability Mainstreaming Unit established under subsection (1).

(3) The officer appointed under subsection (2) shall submit quarterly reports to the Council outlining progress and compliance with this Act and any challenges faced.

(4) The Council shall appoint an inspector who shall be empowered to investigate and recommend prosecution or other remedy against infringement of this Act.

(5) The inspector appointed under subsection (4) shall report to the Council or the relevant committee of the Council, any person or persons whose conduct is in violation of this Act or any regulations made under the Act.

Housing.

69. Every Government agency putting up residential and commercial buildings shall reserve at least five percent of the said residential and commercial buildings for acquisition by persons with disabilities and the terms and conditions at such acquisition to persons with disabilities shall include interest free and longer period of repayment.

- Markets. **70.** The National and county governments when constructing markets shall reserve five percent of the stores to persons with disabilities.
- Awareness raising. **71.** (1) All media houses with television and radio shall dedicate at least one hour free airtime every month to educate the public on issues of disability.
- (2) The council shall co-ordinate the production of at least one column in the print media every month.
- Right to Independent living. **72.** (1) Every Person with disability has a right to independent living and access to a range of in-home, residential and other support services, including personal assistance necessary to support living and inclusion in society on an equal basis with others.
- (2) Subject to sub-section I, an employer may provide hardship allowance to or for a family of a Person with disability.
- Enforcement of rights. **73.** (1) Subject to subsection (2), if any person alleges that any of the provisions of this Act has been, is being or is likely to be contravened in relation to a person with disability, then without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the High Court for redress.
- (2) The High Court shall hear and determine an application made by a person in pursuance of subsection (1) and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of this Act.
- General penalty. **74.** (1) Any person found guilty of an offence under this Act for which no penalty is expressly provided shall be liable to a fine not exceeding five hundred thousand shillings

or imprisonment for a term not exceeding two years, or both.

(2) Nothing in this Act shall be construed to preclude an aggrieved person from seeking other civil remedies.

Regulations.

75. (1) The Council may in consultation with the Cabinet Secretary, by notice in the *Gazette*, make regulations generally for the better carrying into effect of the provisions of this Act.

(2) Without limiting the generality of Subsection (1), Regulations may be made in respect of the following--

- (a) forms prescribed under this Act;
- (b) fees to be charged under this Act; and
- (c) adjustment orders

Repeal of Persons with Disabilities Act No.14 of 2003.

76. The Persons with Disabilities Act No. 14 of 2003 is hereby repealed.

Transitional and saving provisions.

77. (1) A person who immediately before the commencement of this Act, was a member of the Council or Executive Director of the Council shall, at the commencement of this Act, be deemed to be a member or Executive Director of the Council under this Act as the case maybe, for the unexpired period of his or her term.

(2) Every person who immediately before the commencement of this Act, was a member of staff or employee of the Council not under notice of dismissal shall, at the commencement of this Act, be deemed to be an employee of the Council under this Act.

(3) Anything done, any regulation made, directive or instruction issued or other administrative measure taken or any contract entered into or any obligation incurred under the Persons with Disabilities Act No. 14 of 2003 before the commencement of this Act, shall remain in force and shall be deemed to have been made, issued, taken, entered into or incurred, as the case may be under this Act.

(4) All assets and liabilities which immediately before the commencement of this Act were in place shall be deemed to have been carried out under this Act.

(5) All actions, suits or legal proceedings by or against the Council shall be carried out on, prosecuted by, or against the Council and on such suits, actions or legal proceedings shall abet or be affected by the coming into operation of this Act.

FIRST SCHEDULE

(S12(4))

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL

1. The Board shall meet at least once in every three months to conduct the business of the Council.
2. A meeting of the Council shall be held on such date and at such time as the Council shall decide, or in the absence of such a decision if the chairman decides that a meeting is necessary, on a date and at a time determined by the chairman.
3. The chairperson may on his or her own motion, or upon request by a member, call a special meeting of the Board of the Council at any time, where he or she considers it expedient for the transaction of the business of the Council.
4. Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board by the chief executive officer or where appropriate, the company secretary.
5. The quorum at a meeting of the Board shall be at least two thirds of the members of the board.

6. The chairperson shall preside over the meetings of the Board and in the absence the chairperson, the vice chairperson shall preside over the meeting and in the absence of both, the members of the Board shall elect from amongst themselves, a person to preside over the meetings of the Board.
7. The matters of the Board shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.
8. The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.
9. At the first meeting of the Board, the members shall elect a vice-chairperson, not being an *ex-officio* member, from among its members, the chairperson or the vice chairperson should not be of the same gender or disability.
10. Subject to the provisions of this Schedule, the Board may determine its own procedure and the procedure for any committee of the Board and for attendance of any other persons at the meetings and may make standing orders in respect thereof
11. (1) A member of the Board who has a direct or indirect personal or pecuniary interest in a matter decided or under consideration by the Board shall—
 - (a) as soon as reasonably practicable, disclose, in writing, to the Board the full and accurate details of the interest;
 - (b) not participate in any discussion by the Board relating to that matter;
 - (c) not vote in relation to that matter; and
 - (d) Be absent from the meeting room when any such discussion or voting is taking place.
12. If a member of the Board makes a disclosure of interest and complies with requirements of subsection (1) in respect of a proposed contract-
 - (a) the contract shall not be avoided and
 - (b) The member is not liable to account to the entity for any losses that may be incurred upon entering into the contract.

13. If a member of the Board fails to make a disclosure of interest or fails to comply with any other requirement of subsection (1) in respect of a proposed contract, the Council shall void the contract.
14. Where a member of the Board has or acquires a personal or pecuniary interest, or is or becomes the holder of an office, such that makes it reasonably foreseeable that a conflict might arise with his or her duties as member of the Board of the Council, the member of the Board shall as soon as is reasonably practicable, disclose to the Board, in writing, of the entity the full and accurate details of the interest or office.
15. A disclosure under this section must be recorded in the minutes of the Board.
16. A decision of the majority of members of the Council present at any meeting of the Council shall be deemed to be the decision of the Council and if upon any question the voting shall be equal, the chairman, vice-chairman or other person presiding shall have a second and casting vote.
17. No act, decision or proceedings of the Council shall be invalid on account of a vacancy in the membership thereof or on account of the appointment of a member of the Council being defective.

SECOND SCHEDULE

Meetings

- (1) The Standing Committee shall, at its first meeting, elect a chairperson from amongst its members.
- (2) The Standing Committee shall meet not less than 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.
- (3) Notwithstanding paragraph (2), the Chairperson may, and upon requisition in writing by at least three members shall, convene a special meeting of the committee at any time for the transaction of the business of the Committee.
- (4) Unless three quarters of the total members of the Committee otherwise agree, at least fourteen days' written notice of every meeting of the Committee shall be given to every member of the Committee.

- (5) The quorum for the conduct of the business of the Committee shall be more than half of the total members including the Chairperson or the person presiding.
- (6) Whenever the Chairperson is absent, members shall elect a person to be the chair of the meeting who shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.
- (7) Unless a unanimous decision is reached, a decision on any matter before the Committee shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.
- (8) Subject to paragraph (5), no proceedings of the Committee shall be invalid by reason only of a vacancy among the members thereof.
- (9) Subject to the provisions of this Schedule, the Committee may determine its own procedure.

7. Disclosure of interest.

- (1) A member of the Committee who has a direct or indirect personal or pecuniary interest in a matter decided or under consideration by the Committee shall—
 - (a) as soon as reasonably practicable, disclose, in writing, to the Committee the full and accurate details of the interest;
 - (b) not participate in any discussion by the Committee relating to that matter;
 - (c) not vote in relation to that matter; and
 - (d) Be absent from the meeting room when any such discussion or voting is taking place.
- (2) If a member of the Committee makes a disclosure of interest and complies with requirements of subsection (1) in respect of a proposed contract-
 - (a) the contract shall not be avoided and
 - (b) The member is not liable to account to the entity for any losses that may be incurred upon entering into the contract.

- (3) If a member of the Committee fails to make a disclosure of interest or fails to comply with any other requirement of subsection (1) in respect of a proposed contract, the Council shall void the contract.
- (4) Where a member of the Committee has or acquires a personal or pecuniary interest, or is or becomes the holder of an office, such that makes it reasonably foreseeable that a conflict might arise with his or her duties as member of the Committee of the Council, the member of the Committee shall as soon as is reasonably practicable, disclose to the Committee, in writing, of the entity the full and accurate details of the interest or office.
- (5) A disclosure under this section must be recorded in the minutes of the Committee.

13. Protection from personal liability.

- (1) No act or omission by any member of the Committee shall, if the act or omission was done bona-fide for the purposes of executing a function, power or duty under this Act render such member, personally liable to any action, claim or demand whatsoever.
- (2) The provisions of paragraph (1) shall not relieve the Committee of the liability to pay compensation to any person for any injury to him, his property or to any of his interests caused by the exercise of any power conferred by the Act or by failure, whether wholly or partially, of any works.

THIRD SCHEDULE

(S.43(5))

Access to Public Buildings, Auxiliary aid, Sporting Venues and Public Facilities

- 1 The design standards issued under this Act by the Council are used to ensure access to the built environment for persons with disabilities. The Standards apply nationwide, in addition to any applicable state or local codes, where facilities are newly built or altered.
- 2 It shall be the responsibility of all organs in a public or private institution to provide—

- (a) suitable entry and exits for persons with disabilities; and
 - (b) universal standards or designs of public buildings and places
- 3 A proprietor of a public building shall adapt the public building to suit persons with disabilities in such manner as shall be specified by the Council.
- 4 Where no modifications are possible wherever practicable, assistive services shall be made available to persons with disabilities or reservation of goods and services for use by persons with disabilities;
- 5 Facilities shall be provided to persons with disabilities at bus parks, railway stations, air and sea ports that meet the accessibility standards relating inter alia to
- (a) parking spaces, toilets, ticketing counters, ticketing machines and cruise facilities;
 - (b) provide access to all modes of transport that conform to universal design standards;
- 6 Duty to provide access to buildings
- (b) Any person, who constructs, a building to which the public is invited, shall ensure that persons with disabilities have access through provision of—
 - (i) accessible and easy-to-find building entrances, connected by accessible pathways to accessible indoor or outdoor parking areas, local public transit stops and accessible elevators;
 - (ii) safe and accessible urinal, bathrooms for the diverse disabilities;
 - (iii) safe and well-dimensioned staircases for the comfort of persons with mobility problems;
 - (iv) ramps wherever stairs obstruct the free passage of pedestrians, mainly wheel chair users and people with mobility problems;
 - (v) adequate railing around hazardous areas, stairs, ramps, accessible roofs, mezzanines, galleries, balconies and raised platforms;

(vi) well-dimensioned elevators, (in the case of multi-storied buildings) that persons with disabilities can use conveniently.

7 An accessible elevator shall-

- (a) serve all floors normally reached by the public;
- (b) have embossed numerals and tactile markings on the floor selector buttons to be easily identifiable by touch; and
- (c) signal arrival at each floor to alert visually impaired and the Deaf passengers simultaneously

8 Where it is difficult or unfeasible to install a ramp or an elevator to an existing building, the owner of the building shall provide platform lifts to provide accessibility.