

PARLIAMENT OF KENYA

THE SENATE

SENATE BILLS DIGEST

THE KENYA NATIONAL LIBRARY SERVICE BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 20 OF 2023)

Sponsor:	Senate Majority Leader (<i>National Assembly Bill</i>)
Committee referred to:	Senate Standing Committee on Labour and Social Welfare
Type of Bill:	Ordinary Bill
Date of First Reading in Senate:	15 th July, 2026

1. Background

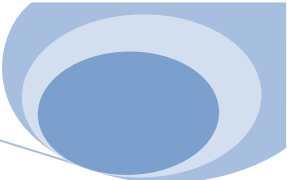
Article 11(2)(a) of the Constitution requires the State to promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information dissemination, libraries and other cultural heritage. The Kenya National Library Service Bill, 2023 is intended to give effect to this constitutional provision.

The Kenya National Library Service Bill, 2023 (National Assembly Bills No. 20 of 2023) was passed by the National Assembly on 1st July, 2026 and referred to the Senate for consideration. The Bill seeks to establish the Kenya National Library Service as a body corporate to be managed by a reconstituted Board and to repeal the Kenya National Library Service Board Act (Cap. 225).

2. Purpose of the Bill

Clause 3 of the Bill provides that the purpose of the Bill is —

- (a) to preserve national documentary heritage; and
- (b) to distinguish the functions of the Kenya National Library Service from the other public libraries.

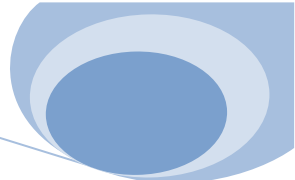


3. Overview of the Bill

(a) What are the key definitions in the Bill?

Clause 2 defines, among other terms—

- (i) **Board** — the Board of the Kenya National Library Service established under clause 6;
- (ii) **Book** — any volume, encyclopaedia, magazine, review, *Gazette*, pamphlet, leaflet, sheet of letterpress, sheet of music, annual report, map, plan or chart in digital, audio or print form which is separately published, but excludes a newspaper, visiting or business card, bill-head, letter-head, price list, annual report, trade circular, trade advertisement or other legal, trade or business document;
- (iii) **Cabinet Secretary** — the Cabinet Secretary responsible for matters relating to libraries;
- (iv) **Director-General** — the Director-General of the Kenya National Library Service appointed under Clause 15;
- (v) **Information resource** — the procedures, services, materials, personnel and technology designed, provided, built, utilised and applied to ensure library users can access information services and facilities;
- (vi) **National Library Service** — a repository and access point for print, audio, audio-visual, braille and digital materials that serves as the pre-eminent repository of information for the country and the official depository for printed works, a general public access library, and an information and bibliographic centre;
- (vii) **Newspaper** — any printed matter containing news or intelligence reports of public interest, in print, video or other electronic format, published periodically, but excludes visiting/business cards, bill-heads, letter-heads, price lists and similar trade documents; and



(viii) Public library — a library established, maintained and managed by a county government, non-governmental organisation, community or private person, open to members of the public.

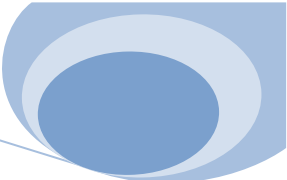
(b) How is the Kenya National Library Service established, and what is its legal status?

Clause 4 establishes a National Library known as the Kenya National Library Service as a body corporate with perpetual succession and a common seal, capable in its corporate name of suing and being sued; purchasing, acquiring, holding, leasing, charging or disposing of property; borrowing, lending or investing money; entering into contracts; and doing all things a body corporate may lawfully do in furtherance of the Act.

(c) What is the role of the National Government under the Bill?

Clause 5 assigns the National Government responsibility to—

- (i) develop the national library policy and legislation and set standards for the library sector;
- (ii) provide capacity building and technical assistance to county governments;
- (iii) equip, develop, manage and maintain the national libraries;
- (iv) acquire, preserve and maintain a collection of library resources, including books published within and outside Kenya, for a comprehensive national bibliography;
- (v) liaise with other government agencies to ensure publisher compliance with the Books and Newspapers Act (Cap. 111);
- (vi) carry out and promote research in the development of libraries and related services;
- (vii) promote reading for knowledge, information and enjoyment, and participate in campaigns for the eradication of illiteracy;
- (viii) administer international standard numbers for books, serials and music;
- (ix) publish the Kenya National Bibliography and the Kenya Periodicals Directory;
- (x) establish a national WebCat to publish catalogues for all libraries;

- 
- (xi) provide a national library reference and referral service; and
 - (xii) perform any other function necessary for the attainment of the objectives of the Act.

(d) What is the composition of the Board and how are members of the Board appointed?

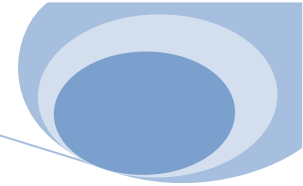
Clause 6 provides that the Board shall consist of ten members comprising –

- (i) a Chairperson appointed by the President;
- (ii) the Principal Secretaries (or their designees appointed in writing) responsible for libraries, finance, education, devolution, and information and telecommunications technology;
- (iii) two persons nominated by the Council of County Governors;
- (iv) one person appointed by the Cabinet Secretary; and
- (v) the Director-General as an *ex officio* member.

Appointments under subsection 1(a), (g) and (h) are made by name through notice in the Kenya Gazette. The Cabinet Secretary is required to ensure that the constitutional requirements on gender parity, disability, regional representation, marginalised persons and youth are observed in making the appointments. The Board elects a vice-chairperson of the opposite gender to the Chairperson from among its members at its first meeting.

(e) What qualifications apply to the Chairperson and members?

Clause 7 requires the Chairperson to be a Kenyan citizen holding at least a Bachelor's degree, with at least ten years' experience (five at senior management level), a distinguished career in library and information science, knowledge management, information technology, development studies, management or a related field, and to meet the requirements of Chapter Six of the Constitution. Ordinary members require a Bachelor's degree, at least three years' experience at management level, a distinguished career in their respective field and must also meet the requirements of Chapter Six of the Constitution.



(f) Under what circumstances is a person disqualified to be a Chairperson or member of the Board and when does a vacancy arise in the Board?

Clause 8 disqualifies a person from appointment as Chairperson or member of the Board if they hold office in the governing body of a political party, are bankrupt, have been convicted of a criminal offence and sentenced to more than six months' imprisonment, have been removed from public office for contravening the Constitution or any other written law, or are a Member of Parliament or of a County Assembly.

Clause 10 sets out the grounds on which the office of Chairperson or a member becomes vacant which is by death, resignation by written notice, conviction and sentence to imprisonment exceeding six months without the option of a fine, expiry of term, absence from three consecutive Board meetings without good cause or removal on grounds of violation of the Constitution or any other written law, gross misconduct or misbehaviour, inability to perform functions due to physical or mental infirmity, incompetence or neglect of duty or bankruptcy.

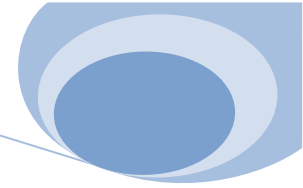
(g) What is the term of office and how does the Board conduct its business?

Clause 9 of the Bill sets a three-year term for the Chairperson and members of the Board renewable for one further term. Clauses 12 and 13 allow the Board to establish committees and to delegate its powers or functions to a committee, member or employee and clause 14 provides for remuneration and allowances as the Cabinet Secretary, in consultation with the Salaries and Remuneration Commission, may determine.

The First Schedule to the Bill provides for the conduct of business and affairs of the Board.

(h) Who is responsible for the day-to-day management of the Service?

Clause 15 establishes the office of Director-General, appointed by the Board through a competitive process for a three-year term renewable once, and responsible to the Board for the day-to-day management of the Service's affairs. The Director-General must be a Kenyan citizen holding a Master's degree in library and information science or a related field, with at least ten years' professional experience (five at senior management level), and



must meet the requirements of Chapter Six of the Constitution. The Director-General sits on the Board as an *ex officio* member and therefore has no right to vote.

Clause 16 establishes the office of Corporation Secretary, appointed by the Board, who must be an Advocate of the High Court of not less than five years' standing, hold a certified public secretaries' qualification and meet the requirements of Chapter Six of the Constitution. Clause 17 empowers the Board to appoint such officers and other staff as it considers necessary, on merit, and affording equal opportunity to men and women, youth, persons with disabilities, minorities and marginalised groups.

(i) What Code of Conduct applies to Board members and staff?

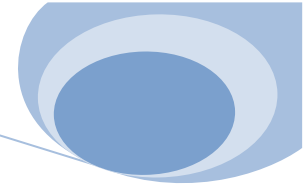
Clause 18 requires members of the Board and employees of the Service to subscribe to the Code of Conduct set out in the Second Schedule to the Bill, covering impartiality and independence, disclosure of conflicts of interest, professionalism, prohibition of improper enrichment, integrity in private affairs, prohibition of sexual harassment, and prohibition of nepotism or favouritism.

(j) What legal protections apply to Board members, officers and staff?

Clause 19 protects members, officers, staff and agents from personal liability for anything done in good faith in execution of the functions, powers or duties of the Service, with related litigation expenses payable from the Service's funds where the act is found to have been done in good faith. Clause 20 clarifies that this protection does not relieve the Service itself of liability to pay compensation or damages for injury caused by the exercise of its powers, or by the wholly or partially failure of its works.

(k) What reporting obligations apply to the Board?

Clause 21 requires the Board to submit an annual report to the Cabinet Secretary within three months after the end of each financial year, containing the Service's financial statements, a description of its activities, such other statistical information as the Board considers appropriate, and any other information relating to its functions that the Service



considers necessary. The Board must also publish and publicise the report in an accessible manner.

(l) What are the financial provisions of the Bill?

Clause 22 sets out the sources of the Service's funds: monies allocated by the National Assembly; grants, gifts, donations or other endowments; monies drawn from levies, fees and royalties; monies from profitable ventures and investments; loaned monies; and such other funds as may vest in or accrue to the Service. The Board is not obliged to accept a donation unless it approves the terms and conditions attached to it. Clause 23 permits the Service to invest surplus funds with the approval of the Cabinet Secretary and the Cabinet Secretary responsible for the National Treasury.

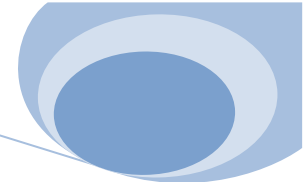
(m) What administrative provisions does the Bill make?

Part IV requires the Service's operations to conform to the minimum standards in the Third Schedule to the Bill. Clause 27 permits any person or institution to apply for membership in the manner prescribed in regulations, with registration and subscription fees set out in the regulations and a library card issued on registration that remains the Service's property and must be surrendered on cessation of membership. Clause 28 provides for a common seal kept by the Corporation Secretary and authenticated by the Chairperson or another authorised person.

Clause 29 requires the Service to maintain records of its documents, registered members and other particulars the Board considers necessary while clause 30 empowers the Service to determine fees for services rendered to clients. Clause 31 prescribes how deeds, contracts and other documents are executed on the Service's behalf.

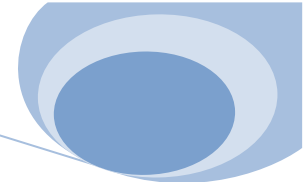
(n) What is the minimum standards framework under the Third Schedule?

The Third Schedule to the Bill sets out twenty-three minimum standards that the Service must conform to, spanning bibliographic control, cataloguing and classification, policy guidelines, professional association standards, preservation and conservation, ICT



integration, information literacy, security, accessibility, staffing, and international resource identification numbers, summarised below.

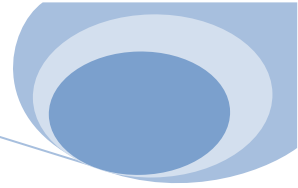
No.	Standard	Description
1.	National Bibliographic Control procedures	Legal deposits, production of the Kenya National Bibliography (KNB), development of a union catalogue, incorporating Cataloguing in Publication (CIP).
2.	Internationally accepted Resource Description	Use of international cataloguing and classification standards including Resource Description Access (RDA) and MARC formats, among others.
3.	National and public Libraries policy guidelines	Developing a policy framework for national and public libraries, e.g. collection development, disposal, etc.
4.	Kenya Library Association (KLA) guidelines	Enforcing best practices in library and information schools, subscription to international professional associations, and certification to practice as professionals.
5.	Procedures for preservation and conservation of National heritage	Digitisation, microfilming, archiving, de-acidification.
6.	Guidelines for establishment of libraries	Public, community, special and school libraries.
7.	ISO 9001:2008 Requirements	Quality assurance, complaint mechanisms, service charter.
8.	National Reference Centre control measures	Information resources, human resources and ICT; legal deposits; e-resources; international exchange of publications; UN depository status (World Bank, IMF, ILO); Kenya (publications of Kenyan interest).
9.	Research	Conducting research on emerging issues in libraries and related services; developing a research database (knowledge repository); institutional/national repository.



No.	Standard	Description
10.	Information Communication and Technology (ICT) control	Integrating ICT in library services, content management systems (CMS), document management systems (DMS).
11.	Information literacy	User education, information retrieval, finding aids.
12.	Finding aids	Catalogues, OPACs, qualified human resource.
13.	Security	Information materials, staff, equipment, building, content, security policy.
14.	Library building	Amenities including water, washrooms, lighting, exits, signage, design.
15.	Accessibility	Persons with disability (visually impaired, physically challenged).
16.	Location	Proximity to county headquarters, centrality, ease of access.
17.	Furniture	Type and adequacy.
18.	Reprographic services	Photocopying of reference materials, adherence to copyright law.
19.	NEMA guidelines	Environment, health, safety, risk, noise.
20.	Staffing levels	Professionally qualified staff, support staff.
21.	Co-operation and partnership	Institutional borrowing, international exchanges (information materials and staff), Public-Private Partnerships (PPP).
22.	Advisory services	Consultancy on library services to all parties.
23.	International Resource Identification Numbers	Issuance of ISBN, ISMN, ISSN and bar codes.

(o) What powers are delegated under the Bill?

Clause 33 empowers the Cabinet Secretary, in consultation with the Kenya National Library Service to make regulations for the better carrying into effect of the Act, including prescribing forms and fees.



(p) What is the relationship between the Service and county governments?

Clause 35 allows the Service to enter into a written agreement with a county government on the management of a public library within that county, complementing the National Government's role under clause 5(b) of providing capacity building and technical assistance to county governments.

(q) What legal remedies and offences does the Bill create?

Clause 36 requires a written notice of at least one month to the Director-General, containing the particulars of the claim and intention to sue, before legal proceedings are commenced against the Service. Clause 37 entitles the Service to restitution from a person who steals or intentionally damages its property, in addition to any other penalty.

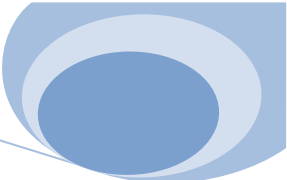
Clause 38(1) creates an offence, whose penalty shall be a fine not exceeding one hundred thousand shillings, imprisonment not exceeding twelve months, or both, for procuring or attempting to procure a false entry by wilful false declaration, falsely holding oneself out as registered, or stealing and destroying library material.

Clause 38(2) creates a further offence whose penalty shall be a fine not exceeding one hundred thousand shillings, imprisonment not exceeding one year, or both, for obstructing or hindering staff without reasonable justification, submitting false or misleading information, or misleading a member or staff acting under the Act.

Clause 39 provides a general penalty of a fine not exceeding one hundred thousand shillings, imprisonment not exceeding twelve months, or both, for offences for which no specific penalty is prescribed.

(r) What transitional arrangements does the Bill make?

Clause 41 provides that, subject to any other written law, all rights, duties, obligations, assets and liabilities of the former Board are automatically and fully transferred to the Service on commencement of the Act. The Chairperson and members serving at the former Board continue in office for the unexpired period of their term; an employee serving at the former Board is, subject to any written law, deemed to be an employee of the Service; and



an employee who does not wish to become an employee of the Service must exercise that option within twelve months of the commencement of the Act.

4. Way Forward

(a) What next?

The Bill was passed by the National Assembly on 1st July, 2026, with amendments, and endorsed for presentation to the Senate under standing order 142 of the National Assembly Standing Orders. Subsequently, the Bill was read a first time in the Senate on 15th July, 2026 and the Standing Committee on Labour and Social Welfare is required, pursuant to standing order 145(5) of the Senate Standing Orders to facilitate public participation and to take into account the views and recommendations of the public in preparing its report to the Senate.

(b) What is expected of members of the public?

Members of the public and stakeholders, including county governments, the Council of County Governors, the Kenya Library Association, and library and information professionals, are expected to present their views to the Senate Standing Committee on Labour and Social Welfare for consideration.

(c) What is expected once the Bill becomes law?

- (i) the Cabinet Secretary will be required to facilitate the constitution of the reconstituted Board, including gazettelement of the Chairperson and members appointed under Clause 6;
- (ii) the Board will be required to appoint a Director-General and Corporation Secretary and to give effect to the transitional arrangements under clause 41, including the twelve-month staff opt-out window;
- (iii) the Cabinet Secretary will be required to develop regulations under clause 33, including on registration and subscription fees under clause 28; and
- the Kenya National Library Service will be required to publish its Code of Conduct, standards and annual reports as prescribed under the Act.

(d) Next steps

The Standing Committee on Labour and Social Welfare is required to report within thirty days under standing order 148(1) of the Senate Standing Orders, such being 14th August 2026.

If both Houses of Parliament approve the Bill (with any necessary mediation in case of differences), it will be presented to the His Excellency, the President for Assent. Upon Presidential Assent, the Act will be published in the Kenya Gazette and shall come into force on the date specified in the Act or upon publication.

Any comments on the Bill may be submitted to the Office of the Clerk of the Senate, 1st Floor, Main Parliament Buildings, Nairobi, Kenya, through P.O. Box 41842-00100, Nairobi, Kenya or email: clerk.senate@parliament.go.ke and copied to laboursocialwelfarecomm.senate@parliament.go.ke.

Note:

- (a) The Digest reflects the Bill as passed by the National Assembly on 1st July, 2026, and does not cover any subsequent amendments to the Bill.
- (b) The Digest does not have any official legal status.