



PRIVATE SECTOR SUBMISSION ON THE ICT PRACTITIONERS BILL, 2016

Clause	What is in the bill	Proposed amendment	Justification
Introduction	A Bill for AN ACT of Parliament to provide for the training, registration, licensing, practice and standards of ICT practitioners and for connected purposes	A Bill for AN ACT of Parliament to provide for the training and registration of ICT practitioners and for connected purposes	Duplication of the functions of licensing and setting standards. ICT players are currently licensed both locally and internationally. Further licensing requirements will result in double licensing and impose an undue and onerous burden. For instance, telecommunications players are licensed by the Communications Authority. Engineers are registered by the Engineers Registration Board.
2(1) 1	"Information Communication Technology (ICT)" means technologies employed in collecting, storing, processing, using or sending out information and include those involving the use of computers,	Any information communication technology, equipment, or interconnected system or subsystem of equipment for which the principal function is the creation, conversion, duplication, automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching,	The definition of ICT in the Bill is too narrow and represents ICT as a static profession yet ICT is a dynamic profession. The proposed amendment will address this concern and represents a broad understanding of the Sector.

	mobile apparatus or any telecommunication system;	Interchange, transmission, reception, or broadcast of data or information.	
	"ICT practitioner (ICTP)" means a person registered under this Act as an ICT practitioner who is also licensed under section 20 to practice as such;	"ICT practitioner (ICTP)" means a person whose principle occupation is to design, develop, operate, maintain or support of ICT systems registered under this Act. But does not include persons who utilize ICT systems or equipment as an enabler in the performance of other functions; or, where a person is registered or qualified as a professional in another field.	This amendment will create greater clarity on the definition of ICT Practitioner
	"Practicum" means an ongoing, supervised and organized practical experience or internship prescribed as part of the qualifications for the award of any degree or diploma and obtained in an integrated training program recognized by the Council;	Delete the definition of practicum and also delete the reference to "practicum" under Section 37(2) (c)	The emphasis should be on one having gone through relevant training that vests the relevant skill and competence rather than imposing an additional obligation for internship
4.1(a)	the principal secretary in the Ministry for the time being responsible for matters relating to information communications technology;	Chairperson appointed according to sub-section 2	
(b)	the principal secretary in the Ministry for the time being responsible for matters relating to the national treasury;	The Principal Secretary or his nominee in the Ministry for the time being responsible for matters relating to information communications technology;	The Ministry responsible for ICT is more relevant and appropriate and hence suited for this role
(c)	one person appointed by the Cabinet Secretary to represent training institutions in Kenya which have power to grant a qualification which is recognized under this Act;	Delete	It will be difficult to have an objective criteria in picking the representative envisaged under this sub-section 4 (1) (c) and such a representative is unlikely to be representative of the training institutions

(d)	one person who shall be of the female gender appointed by the Cabinet Secretary to represent minorities and marginalized groups;	Delete	It is proposed that the representative envisaged under Section 4 (1) (d) be instead drawn from amongst the 5 persons referenced under Section 4 (1) (e)
(e)	five persons of good professional standing nominated by the Information Communication Technology Association of Kenya; and	five persons of good professional standing as selected in subsection 2 below of which one will represent minorities and marginalized groups.	This amendment takes into consideration the nomination of representatives of minorities and marginalized groups
New One 4(2)	selection process	<p>A selection panel shall be appointed to select six council members</p> <p>(1) Within fourteen days of the occurrence of a vacancy in the office of chairperson or member, the Cabinet Secretary, shall—</p> <p>(a) by notice in the Gazette and on the official website of the Ministry, declare a vacancy in the Council, and invite applications from qualified persons; and (b) convene a selection panel for the purpose of selecting suitable candidates for appointment as the chairperson or member of the Council.</p> <p>(2) The selection panel referred to under subsection (1) shall comprise of persons drawn from the following organizations:</p> <p>(a) Kenya Educational Network</p> <p>(b) Kenya Private Sector Alliance;</p> <p>(c) Kenya IT and Outsourcing Services</p> <p>(d) Technology Service Providers of Kenya;(e) Kenya ICT Action Network</p> <p>(f) Bloggers Association of Kenya</p> <p>(g) Consumers Federation of Kenya; and</p> <p>(h) ICT Association of Kenya (3)</p> <p>At their first meeting, the panel shall appoint a chairperson and a</p>	

		<p>vice-chairperson who shall be of opposite gender</p> <p>.(4) An application in respect of a vacancy declared under subsection (1) shall be forwarded to the selection panel within fourteen days of the publication of the notice, and may be made by—(a) any qualified person; or</p> <p>(b) any person, organization or group of persons proposing the nomination of any qualified person.(5) The selection panel shall, subject to this section, determine its own procedure for the discharge of its functions under this section.</p> <p>(6) The selection panel shall consider the applications, shortlist and publish the names and qualifications of all the applicants and those shortlisted by the panel in the Gazette, within twenty-one days from the expiry of the deadline of receipt of applications under subsection (4).(7) The selection panel shall interview the shortlisted applicants within fourteen days from the date of publication of the list of shortlisted applicants under subsection (6)</p> <p>(8) Upon carrying out the interviews, the selection panel shall select—</p> <p>(a) one person qualified to be appointed as chairperson; and</p> <p>(b) Six persons, in relation to each vacancy, qualified to be appointed as members of the Council, and shall forward the names to the Cabinet Secretary.</p> <p>(9) The Cabinet Secretary shall, within fourteen days of receipt of the names under subsection (8), appoint the chairperson and the members, respectively.</p> <p>(10) In selecting, shortlisting and appointing the chairperson and members of the Board, the Cabinet Secretary shall—</p> <p>(a) ensure that the appointees to the Council reflect the interests of all sections of society;</p>	
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		<p>(b) ensure equal _opportunities for persons with disabilities and other marginalized groups; and (c) ensure that not more than two-thirds of the members are of the same gender.</p> <p>(11) Council memebrs shall hold office for a period of three years and shall be eligible for re-appointment for a further and final term of three years</p> <p>(12) All appointments under this section shall be by notice in the Gazette.</p>	
4 (3)	There shall be a chairman and vice-chairman of the Council who shall be elected in manner provided in paragraph 3 of the First Schedule	Delete	This section is recommended for deletion to provide for appointment through the Selection Panel
5.2	Except as provided in the First Schedule, the Council may regulate its own procedure.	Council members will declare and make public their wealth annually from three months after appointment and every subsequent anniversary of appointment	This addition seeks to create a clear obligation on accountability through the requirement for wealth declaration
6	FUNCTIONS OF THE INSTITUTE		
(a)	(a) Establish standards of professional competence and practice	Replace with ‘ Promote standards of professional competence and practice’	Its covered in extensively in the KICA 411 that mandates Communication Authority of Kenya to develop and enforce standards of Telecommunications, Broadcasting, Content, Electronic Transactions and Postal systems. Some aspects of the quality of workmanship are a mandate of the Kenya Bureau of Standards The mandate is already with the Communications Authority. There are 28 citing’s of clauses dealing with standards as follows:

			KICA 411 -: 46H. (1) ; 47. (1)c, (2)f; 56; 83E
(b)	Protect, assist and educate the public in Kenya in all matters touching, ancillary or incidental to the profession of ICT	Replace with ‘ Assist and educate the public in Kenya in all matters touching, ancillary or incidental to the profession of ICT ’	The mandate is already covered under several other acts dealing with Consumer Protection
(c)	present, protect and assist members of the profession of ICT	Delete	There are other that ICT Associations of Kenya that are legally registered with a mandate to represent, protect and assist members of the ICT profession. Since industry are already represented by various member based associations such as KEPISA, TESPOK, KITOS, KICTANET, BAKE
(d)	Approve courses for purposes of registration of ICT Practitioners under this Act;	Delete	This is a role of the Commission of University Education, under CUE Act, 2012
(e)	Administer such examinations as may be necessary to determine whether persons are qualified for registration under this Act;	Delete	This is a role of the Commission of University Education, under CUE Act, 2012 and also provided unde KICA 38(i)
(f)	register and licence ICT practitioners upon payment of the prescribed fees	Replace with “ Register ICT practitioners for purposes of this Act”	Licensing is covered extensively under the Kenya Information and

			Communication Authority 411 that mandates Communication Authority of Kenya to license networks and content with regards to Telecommunications, Broadcasting, and Postal systems and oversee quality of service concerns under clause 5 on objects and purpose of the Communications Authority of Kenya
(g)	determine the fees to be charged by ICT practitioners and firms for professional services rendered from time to time	Delete	This mandate is already vested in the Communications Authority. These fees paid by firms and personnel who are already licensed by the Communications Authority of Kenya are determined by the Commission and other regulatory professional bodies
(i)	Upon request, to act as an arbitrator in any disputes between a licensed ICT Practitioner and a client;	Delete	This is function will be provide in the ICT Practitioners Tribunal
(j)	Advise the Cabinet Secretary on appropriate policies and programs governing the profession of ICT in Kenya;	Delete	It is covered extensively in the Kenya Information and Communication Authority 411 on Policy guidelines by Cabinet Secretary
k.	supervise the professional conduct and practice of ICT practitioners and to take the necessary disciplinary	Delete	This mandate is already with the Communications Authority. its covered in extensively in the Kenya

	measures in cases of violations of professional conduct and discipline		Information and Communication Authority 411 that mandates Communication Authority of Kenya to license networks and content with regards Telecommunications, Broadcasting, and Postal systems and oversee quality of service concerns under clause 5 on objects and purpose of the Communications Authority of Kenya
l	plan, arrange, co-ordinate and oversee continuing professional training and development of ICT practitioners	Delete	to be achieved through Section 6 (g) hence no need to include it here
9. (4)a	has at least five years proven experience in the field of ICT;	Replace with “has at least five years proven experience at senior management level”	This takes into consideration the nature of experience (managerial) that is required for this role to be effective
b.	has knowledge and experience in policy formulation, administration and management;	Replace with “has proven knowledge and experience in policy formulation and administration”	Creates clarity on the specifics of the knowledge and experience required
9 (4) (d)	New input	will declare and make public to stakeholders their wealth annually from three months after appointment and every subsequent anniversary of appointment	Seeks to create accountability for appointees under this section
12.(5)	Without prejudice to the foregoing provisions of this section, the Council shall establish the committees set out in the Second Schedule.	Delete	Too prescriptive on operational issues of the Institute that may change once other stakeholders are involved subject to what is seen as a

			priority by the council
PART III			
15a	Is a holder of at least bachelor degree	Insert the word 'or' after university	To create greater clarity
b	Is the holder of a bachelor degree and has relevant ICT experience	Merge to read "is the holder of at least bachelor degree; or diploma from recognized university and has passed examination ; or, has relevant experience	
c	Is the holder of diploma from recognized		
d	Satisfies the Council	Replace ' the Council shall develop a Code of Business and Ethics for ICT professionals	It is not clear what moral character means
16(1)	Every person eligible to be registered as an ICT practitioner may apply in the prescribed form to the registrar for registration in the register, and every such application shall be accompanied by the prescribed fee.	Delete " and every such application shall be accompanied by the prescribed fee "	
17b	New input	The Council shall avail the register online subject to existing data protection and privacy legislation	This will facilitate access to the information herein
18(3)	Removal from the Register		
(5)	Every person registered under this Act who has obtained a higher qualification than the registered qualification shall, on the payment of the prescribed fee, be entitled to have that additional qualification inserted in the register in addition to the qualification previously registered.	Delete ' on the payment of the prescribed fee"	
19(1)	The Council shall publish in the Gazette as soon as may be practicable after registration, the name of every ICT practitioner registered under this Act.	Delete " as soon as may be practicable' and insert "annually"	Creates certainty on the time frame
(2)	It shall be the duty of every ICT	Delete to read " the ICT practitioner may inform the Council from	Creates clarity on how the duty to

	practitioner to inform the Council immediately of any change in their registered address.	time to time any change in their registered address	notify on address changes will be communicated
19(3)	3) The publication of the list of registered ICT practitioners in the Gazette shall be prima facie evidence that the persons named therein are registered under this Act, and the absence of the name of any person from such list shall be prima facie evidence that the person is not so registered.	Delete "Publication" and replace with "registration" Move the clause to be part of 7(c)	Creates greater clarity
PART 1V			
Section 20	20. (1) A person shall not practice as an ICT practitioner unless such person has complied with the requirements for continuing education and supervision, and has been issued with a valid practice license by the Council, in accordance with regulations made under this Act. (2) The Council may issue to an ICT practitioner who has applied in the prescribed form, a license to practice on their own behalf or to be employed. (3) Subject to the provisions of this Act, a person shall not operate an ICT firm unless- (a) the firm has a certificate of registration of a business name or certificate of incorporation; (b) the firm has at least one partner or principal shareholder who is registered	Amend sub-section (1) to read as follows: "(1) A person shall not practice as an ICT practitioner unless such person has been registered under Section 16 of this Act" Delete sub-section (2) and (3)	Act to provide for registration of practitioners for purposes of accountability and records. However, noting the dynamism of ICT practice, annual licensing is impractical and ought to be done away with. Restrictive trade. An ICT practitioner should be free to practice in his/her own name, subject only to registration.

	as an ICT practitioner and who has a valid practicing license; and (c) the firm fulfills any other condition as may be stipulated by the Council.		
Section 21	<p>21. (1) A licence granted under this Act shall be valid for one year, for the duration between the 1st January and 31st December in every year, and may, upon expiry, be renewed.</p> <p>(2) A person whose licence has not been renewed for one year or more and who wishes to have the licence renewed may apply to the Council upon-</p> <p>(a) swearing an affidavit in the prescribed form explaining the reasons for non-renewal;</p> <p>(b) payment of the license fee for the current license period;</p> <p>(c) presentation of evidence to the Council of fulfilment of all applicable conditions for renewal of a license; and</p> <p>(d) payment of annual subscription fee for the current license period.</p> <p>(3) The Council may refuse to issue or to renew a license.</p> <p>(4) A person aggrieved by a decision of the Council under this section may appeal to the High Court, and in any such appeal the High Court may annul or vary the decision of the Council as it may determine necessary.</p>	Delete the section in total	Provision for registration of practitioners should suffice.
Section 22	22. (1) The issue and the cancellation, revocation or withdrawal of a license under this Part shall be published in the Gazette.	Delete the section in total	Provision for registration of practitioners should suffice.

	(2) The Council shall, once in every year, as soon as convenient after 1st January, but not later than 31st March, publish in the Gazette a list containing the names, qualifications and registered addresses of all licensed ICT practitioners.		
Section 23	23. A person shall not be entitled to recover a fee for ICT services, unless such person is licensed under this Act.	Amend sub-section (1) to read as follows: "A person shall not be entitled to recover a fee for ICT services, unless such person is registered under this Act."	Provision for registration of practitioners should suffice.
Part V 24(1)	Any person who willfully procures or attempts to procure registration or licensing under any of the provisions of this Act, by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing, commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to Imprisonment for a term not exceeding two years, or both.	Delete "willfully procures or attempts to procure registration or licensing under any of the provisions of this Act, by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing, commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to Imprisonment for a term not exceeding two years, or both" Insert "commits an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings"	The aforementioned offence is sufficiently covered by other laws under the penal code including; fraud, forgery, soliciting money by false pretense, personation
(2)	If a person convicted of an offence under this section is registered or licensed under this Act, the Council shall remove such person's name from the register and cancel the licence.	Delete the words 'licensed' and 'cancel the licence'.	The Institute will not be mandated to license.
25	A person who is licensed as an ICT practitioner Professional commits an act of professional misconduct if such person- misconduct' (a) deliberately fails to follow the laid down standards of conduct and practice of the profession of ICT as	Delete Section 25 and insert the provisions under (a) and (b) relating to Code of Business and Ethics. (a) The Council shall develop a code of Business and Ethics to govern the conduct of ICT Practitioners in consultation with Stakeholders. A person who is registered as an ICT practitioner commits an act of professional misconduct if such person contravenes the	Professional conduct and offenses shall be defined, (under the Code of Business and Ethics) set out and continuously reviewed by the and independent body constituting of the standards, disciplinary arms of the institute

	<p>may be laid down by the Council;</p> <p>(b) commits gross negligence in the conduct of professional duties,</p> <p>(c) allows another person to practise in their name, where such person-</p> <p>(i) is not a holder of a practising certificate issued under this Act; and</p> <p>(ii) is not in partnership with the ICT practitioner;</p> <p>(d) takes advantage of clients by abusing a position of trust, expertise, or authority;</p> <p>(e) is insensitive to clients through a lack of regard or concern for clients' needs, feelings, rights, or welfare of others;</p> <p>(f) shows incompetence or inability to render services, for reasons ranging from inadequate training or inexperience, to personal unfitness, such as a character defect or an emotional disturbance;</p> <p>(g) evidences inresponsibility including lack of reliable or dependable execution of professional duties, attempts to blame others for one's mistakes, shoddy or superficial professional work, or</p>	<p>provisions under the ICT Code of Business and Ethics under (a) above.</p>	
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	<p>excessive delays in delivering necessary feedback, assessments, reports, or services; or (h) is guilty of abandonment through failure to follow through with their duties or responsibilities, thereby causing clients to become vulnerable or incur unnecessary expenditure</p>		
26(1)	<p>Delete Section 25 and insert the provisions under (a) and (b) relating to Code of Business and Ethics.</p> <p>(a) The Council shall develop a code of Business and Ethics to govern the conduct of ICT Practitioners in consultation with Stakeholders.</p> <p>A person who is registered as an ICT practitioner commits an act of professional misconduct if such person contravenes the provisions under the ICT Code of Business and Ethics under (a) above.</p>	<p>Delete the entire provision and insert the following provisions under:</p> <p>Section 26 (1):</p> <p>(a) There shall be established a Complaints committee that will handle complaints relating to professional conduct of ICT practitioners.</p> <p>(b) The Council shall develop guidelines to govern the appointment of members of the Complaints committee, the rules governing conduct of business by the Complaints committee.</p> <p>(c) Where the Complaints committee establishes that an ICT Practitioner has committed an act of impropriety or misconduct in respect of his or her profession, the Complaints Commission may recommend:</p> <p>(i) the removal of such person's name from the register; or</p> <p>(ii) the suspension of the Persons from the Register for a period not exceeding twelve months</p>	<p>We recommend establishment of an independent Complaints commission to handle complaints and make recommendation to the Council.</p> <p>To avoid any conflict of interests and ensure that principles of natural justice are adhered to and that practitioners have sufficient avenues to defend and or redeem themselves. Mitigates against vendetta and which hunting and abuse of powers of any of these substantially powerful organs on the livelihoods of practitioners</p>
26 (1)	<p>Any person may, being dissatisfied with any services offered by an ICT practitioner or alleging breach of the standards of conduct as may be specified by the</p>	<p>Delete “ Council in the prescribed manner” and insert “ ICT Complaints Committee”</p>	<p>To avoid any conflict of interests Ensures that principles of natural justice are adhered to and that practitioners have sufficient avenues to defend and or redeem themselves. Mitigates against vendetta and which</p>

	Council from time to time, make a written complaint to the Council in the prescribed manner.		hunting and abuse of powers of any of these substantially powerful organs on the livelihoods of practitioners
26 (2)	(2) Where the Council is satisfied in respect of any person registered or licensed under this Act, that such person-	Delete "Council and insert "Compliant Committees" and then delete (a) , (b) , (C) and substitute it with " has breached the ICT Code of Business and Ethics"	Prevent witch hunting and arbitrary deregistration of person from an avenue of earning their livelihoods
	27. (1) Subject to the provisions of this Act, the removal of a person's name from the register shall be notified by the Council to that person by registered mail sent to the address appearing in the register against that Person's name immediately before such removal.	27. (1) Subject to the provisions of this Act, the removal of a person's name from the register shall not without satisfactory final conclusion and after exhaustion and or non-pursuance of all disciplinary, arbitration, dispute resolution and appeal proceedings stipulated in this act and shall at every point be notified by the Council to that person by registered physical and electronic mail and other communication sent to the address appearing in the register against that person's name immediately before such removal. In any case the council shall give at least and 30 days' notice and or warning before removal and or suspension of any person from its register. This request shall upon sufficient grounds be reconsidered in view of the registered party's' circumstances	This is to give people's sufficient room for responding and defending as well as mitigating from further damage of relationships with other clients/partners and a punitive cycle.
29	Any person who, not being eligible to be licensed or registered under this Act, wilfully and falsely takes or uses any name, title or addition implying a qualification to practice as an ICT practitioner, or who, not being registered or licensed under this Act, practises or professes to practice or publishes that person's name as practising as an ICT practitioner,	Delete the Provisions of Section 29 and replace with the following provisions: Any person aggrieved by a decision of the Appeals Tribunal may appeal within thirty days to the High Court and in any such appeal the High Court may confirm, annul or vary the decision of the Appeals tribunal as it deems fit	We recommend establishment of an Appeals tribunal to handle appeals by ICT Practitioners from the decisions of the Complaints committee.

	<p>commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years, or both.</p> <p>(2) Any person who, not being eligible to be licensed or registered under this Act, uses the title "ICT practitioner" as appropriate to a person so registered or licensed, which entitles such person to use that title, commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding two years, or both.</p>		
29 (2)	<p>Any person who, not being eligible to be licensed or registered under this Act, wilfully and falsely takes or uses any name, title or addition implying a qualification to practice as an ICT practitioner, or who, not being registered or licensed under this Act, practices or professes to practice or publishes that person's name as practicing as an ICT practitioner, commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not</p>	<p>Delete "liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years, or both and insert " shall be liable on conviction to a fine not exceeding twenty thousand."</p>	<p>This bill is very cross cutting and many people may find themselves slipping into this offence. Further most ICT practitioners are small scale budding entrepreneurs whose turn over maybe nowhere near the prescribed penalties</p>

	exceeding two years, or both.		
	(2) Any person who, not being eligible to be licensed or registered under this Act, uses the title "ICT practitioner" as appropriate to a person so registered or licensed, which entitles such person to use that title, commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding two years, or both.	not exceeding twenty thousand shillings	Again penalties are incongruent to the offence
	Appeal Tribunal	<p>1) There is established an ICT Practitioners Appeals Tribunal</p> <p>A selection panel shall be appointed to appoint five members team</p> <p>(1) Within fourteen days of the occurrence of a vacancy in the office of chairperson or member, the Cabinet Secretary, shall—</p> <p>a) by notice in the Gazette and on the official website of the Ministry, declare a vacancy in the Tribunal, and invite applications from qualified persons; and (b) convene a selection panel for the purpose of selecting suitable candidates for appointment as the chairperson or member of the Council.</p> <p>(2) The selection panel referred to under subsection (1) shall comprise of persons drawn from the following organizations:</p> <p>(a) Kenya Educational Network (b) Kenya Private Sector Alliance; (c) Kenya IT and Outsourcing Services (d) Technology Service Providers of Kenya; (e) Kenya ICT Action Network (f) Bloggers Association of Kenya</p>	

		<p>(g) Consumers Federation of Kenya; and</p> <p>(h) ICT Association of Kenya (3)</p> <p>At their first meeting, the panel shall appoint a chairperson and a vice-chairperson who shall be of opposite gender.</p> <p>(4) An application in respect of a vacancy declared under subsection (1) shall be forwarded to the selection panel within fourteen days of the publication of the notice, and may be made by—</p> <p>(a) any qualified person; or</p> <p>(b) any person, organization or group of persons proposing the nomination of any qualified person.</p> <p>(5) The selection panel shall, subject to this section, determine its own procedure for the discharge of its functions under this section.</p> <p>(6) The selection panel shall consider the applications, shortlist and publish the names and qualifications of all the applicants and those shortlisted by the panel in the Gazette, within twenty-one days from the expiry of the deadline of receipt of applications under subsection (4).</p> <p>(7) The selection panel shall interview the shortlisted applicants within fourteen days from the date of publication of the list of shortlisted applicants under subsection (6).</p> <p>(8) Upon carrying out the interviews, the selection panel shall select—</p> <p>(a) one person qualified to be appointed as chairperson; and</p> <p>(b) five persons, in relation to each vacancy, qualified to be appointed as members of the Appeals Tribunal, and shall forward the names to the Cabinet Secretary.</p> <p>(9) The Cabinet Secretary shall, within fourteen days of receipt of the names under subsection (8), appoint the chairperson and the members, respectively.</p> <p>(10) In selecting, shortlisting and appointing the chairperson and members of the Board, the Cabinet Secretary</p>	
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		<p>shall—</p> <p>(a) ensure that the appointees to the Appeals Tribunal reflect the interests of all sections of society;</p> <p>(b) Ensure equal opportunities for persons with disabilities and other marginalized groups; and (c) ensure that not more than two-thirds of the members are of the same gender. (</p> <p>11) Appeals Tribunal members shall hold office for a period of three years and shall be eligible for re-appointment for a further and final term of three years.</p> <p>(12) All appointments under this section shall be by notice in the Gazette.</p>	
Section 5 (28)	Before Appeals to the high court	Appeals body mentioned above to handle appeals before high court	
30	Dealing with training inst.	Deletion	Covered extensively and in conflict with the University Act of 2014 section part (7) 48
31	31. Any person who obstructs or hinders, or knowingly makes a false or misleading statement to any member, officer, servant or agent of the Council who is carrying out duties under this Act, commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment for a term not Exceeding two years, or both.	Deletion	The clauses confer investigation and prosecution powers to the institution. These powers rest with the police and with the Director of Public Prosecution.
PART VI			
32	32. The funds of the Institute shall comprise-	Insert sub section (C) The institute shall prescribe any fees payable by the Members in consultation with the Stakeholders.	To avoid arbitrariness in charging of fees, the Institute should prescribe the fees in consultation with the

	<p>(a) such fees, monies or assets as may accrue to or vest in the Council in the course of the exercise of its powers or the performance of its functions</p> <p>under this Act or under any written law; and (b) all monies from any other source provided for or donated or lent to the Institute.</p>		Stakeholders.
34 (3)	<p>The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval and after the Cabinet Secretary's approval, the Council shall not increase the annual estimates without the consent of the Cabinet Secretary.</p>	<p>Delete "relate and shall be submitted to the Cabinet Secretary for approval and after the Cabinet Secretary's approval, the Council shall not increase the annual estimates without the consent of the Cabinet Secretary"</p>	
35	<p>The Council shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of the Institute.</p> <p>(2) Within a period of three months after the end of each financial year, the Council shall submit to the Auditor General the accounts of the Institute together with-</p> <p>(a) a statement of the income and expenditure of the Institute during that</p>	<p>Insert an additional clause under sub section (2) requiring the Council to publish and make available to the ICT practitioners the Books of Accounts:</p> <p>2) Within a period of three months after the end of each financial year, the Council shall submit to the Auditor General and publish and make available to the ICT practitioners the accounts of the Institute together with-</p>	<p>For transparency, the accounts of the Council should be availed to the ICT Practitioners.</p>

	<p>year; and</p> <p>(b) a balance sheet of the Institute on the last day of that year.</p> <p>(3) The accounts of the Institute shall be audited and reported upon in accordance with the Public Audit Act, 2015.</p>		
36	The Institute may invest any of its funds in securities, in which for the time being the trustees may by law invest trust funds, or in any other securities or banks which the Treasury may, from time to time, approve for that purpose.	Delete "in which for the time being the trustees may by law invest trust funds" and replace "Treasury" with "Stakeholders"	
PART VI			
37(1)	The Council may, upon consultation with the Cabinet Secretary, make regulations generally for the better carrying into effect the provisions of this Act.	Replace "Cabinet Secretary" with "Stakeholders"	
37 (2)			
b	prescribe forms, methods and regulations concerning conditions for the issuance of licenses;	Replace "Licenses" with "Register"	
c	prescribe the manner of training, subject matter of training courses, standards of proficiency for the profession of ICT, including standards for internship and practicum and examinations of persons for whom provision is made under this Act to be regulated;	Delete	Already provided

d	d) prescribe the standards and conditions of professional practice of persons registered or licensed under this Act;	Delete "Licensed)	
e	provide for the procedure to be followed by the Council in a disciplinary inquiry;	Delete	Provided under Complaints Committee
f	provide for enforcing the attendance of witnesses and the production of books and documents at an inquiry held by the Council;	Delete	Provide as above
g	prescribe forms to be used in connection with this Act or fees to be charged under this Act;	Insert "in consultation with stakeholders"	
h	h) prescribe the supervision to be undergone by persons registered under this Act;	Delete	
38 (1)	(1) Within sixty days upon the commencement of transitions' this Act the	Delete	Already provided in the Selection Panel processes and timelines under various Sections
38(3)	(3) Notwithstanding anything in this Act, a person who immediately before the date of commencement of this Act was engaged in practice as an ICT Practitioner shall be entitled to continue in such practice without a license under this Act- (a) for a period of one year beginning with the date of the commencement of this Act; and (b) if before the expiration of six months, the person applies for a licence under this Act, until the licence is granted or finally refused or the application is withdrawn.	Delete the word "license" where ever it is appearing in this clause	
FIRST			

SCHEDULE			
1	The chairperson, vice chairperson or a member of renurcof office' the Council other than an ex officio member shall, subject to the provisions of this Schedule, hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for reappointment.	Delete	Provided in the Selection Panel [process and terms
2b (V)	is otherwise unable or unfit to discharge his functions.	Delete and replace with “ fails to adhere to the ICT Code of Business and Ethics”	
SECOND SCHEDULE	Committee of the Council		
	1. The Examination and Registration Committee. 2. The Continuing Education Committee. 3. The Disciplinary Committee. 4. The Finance and Administration Committee.	Delete	Provide under different section and a standalone committee delinked for the Council to ensure transparency and accountability