

BILLS SUPPLEMENT

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Bill No. 18 *National Council for Disability
(Amendment) Bill, 2010*

**THE NATIONAL COUNCIL FOR DISABILITY
(AMENDMENT) BILL, 2010**

MEMORANDUM

1. Policy and principles

The policy of this Bill is to amend the National Council for Disability Act, 2003 (Act No. 14 of 2003) to streamline the election of persons with disabilities to Parliament and local government councils.

2. Object of the Bill

The object of the Bill is—

- (a) to amend section 6 of the National Council for Disability Act, 2003, to include the areas where the National Council for Disability is required to assist the Electoral Commission under section 6(1)(i) in respect of elections of representatives of persons with disabilities to Parliament and local government councils;
- (b) to introduce new provisions in the Act on elections of representatives of persons with disabilities and Schedules providing for the electoral structure and disability codings.

3. Provisions of the Bill

Clause 1 of the Bill seeks to amend section 6 of the Act to provide that the National Council for Disabilities shall assist the Electoral Commission under section 6(1)(i) of the Act in respect of conducting consultations with organisations of persons with disabilities.

The Bill also in clause 2 introduces a new Part VA of the Act dealing solely with elections.

New section 31A introduced by this Part provides for the creation of electoral colleges for the election of representatives of persons with disabilities. Clause 31A(2) provides that in forming the electoral colleges gender should be taken into consideration. Proposed section 31A(3) requires the Electoral Commission to facilitate the formation of electoral colleges at different levels of Government.

Section 31A along with new Schedule A provides for the electoral structure for election of representatives of persons with disabilities.

Proposed section 31B in new Part VA allows the multiparty system to be applied in the formation of electoral colleges. New section 31C introduces along with proposed Schedule C codings for determination of disabilities.

Clause 3 of the Bill seeks to amend the Act to introduce Schedules A and B referred to above.

HON. OPIO GABRIEL,
Minister of Gender, Labour and Social Development.

Bill No. 18

*National Council for Disability
(Amendment) Bill*

2010

A Bill for an Act

ENTITLED

**THE NATIONAL COUNCIL FOR DISABILITY
(AMENDMENT) ACT, 2010**

An Act to amend the National Council for Disability Act, 2003 to spell out the assistance required of the Council under the Act to give to the Electoral Commission under section 6(1)(i) of that Act and to introduce Schedule A to provide for elections of representatives of persons with disabilities and a new Schedule B to provide for disability codings and for other related matters.

BE IT ENACTED by Parliament as follows:

1. Amendment of the National Council for Disability Act, 2003
The National Council for Disability Act, 2003 in this Act referred to as the “principal Act” is amended by inserting immediately after section 6(2) the following—

“(3) For the purposes of subsection (1)(i) “assist” means conducting consultations with organisations of persons with disabilities”.

2. Insertion of new Part VA of principal Act
The principal Act is amended by inserting immediately after Part V the following—

“PART VA—ELECTION PROVISIONS

31A (1) For the election of representatives of persons with disabilities at all levels there shall be used the electoral structure prescribed in Schedule A to this Act.

(2) In forming the electoral colleges referred to in Schedule A, gender shall be considered.

(3) The Electoral Commission shall facilitate the formation of the electoral colleges at different levels of Government.

(4) The Electoral Commission shall appoint returning officers and presiding officers for the purpose of conducting elections of representatives of persons with disabilities.

(5) Any person with disabilities who meets national standards for elections has a right to contest for any elective office to represent persons with disabilities.

31B. Sponsorship of candidates by political organisations or political parties

Under the multi-party political system, nomination of candidates may be made by a political organisation or political party sponsoring a candidate or by a candidate standing for election as an independent candidate.

31C. Disability codings

The disability codings prescribed in Schedule B to this Act shall be used to determine whether an impairment has substantial functional limitation of daily life activities for the person to qualify to be a person with disability.”

3. Insertion of new Schedules to principal Act

The principal Act is amended by inserting immediately after the Schedule the following—

“SCHEDULE A

Section 31A

The Electoral Structure for Persons with Disabilities

1. The five (5) executive committee members at each level is to ensure representation in terms of disability categories, and gender where applicable and more specifically—

- (a) the blind;
- (b) the deaf;
- (c) the physically disabled;
- (d) the women with disabilities; and
- (e) youth with disabilities.

2. The five (5) district persons with disabilities executive committee members from each district shall assemble at national level to form four (4) regional electoral colleges to elect four (4) regional representatives to Parliament and after that all shall come together to elect the national women representative for women with disabilities.

3. All subcounty or town or city division persons with disabilities executive committee members shall assemble at the district to elect five (5) district persons with disabilities executive committee members.

4. The district or city and subcounty, town or city division executive committee members shall elect two (2) councillors (male and female) to the district council.

5. All parish or ward persons with disabilities executive committee members shall assemble at the subcounty or division to elect five (5) persons with disabilities executive committee members at that level and elect two (2) councillors (male and female) to the subcounty or division council.

6. The five (5) persons with disabilities executive committee members from each village shall assemble at parish or ward and elect five (5) executive committee members.

7. The chairperson of the persons with disabilities executive committee shall become secretary for disability affairs at parish level.

8. All willing persons with disabilities in each village assemble to elect five (5) executive committee members.

9. The chairperson of the persons with disabilities executive committee shall become secretary for disability affairs at village level.

SCHEDULE B

Section 31C

DISABILITY CODINGS

Sensory disabilities

1. Deaf with speech
2. Deaf without speech
3. Deafblind
4. Hard of hearing
5. Total blindness
6. Low vision (Nose readers)

Physical disabilities

Amputations

7. One arm
8. Both arms
9. One leg
10. Both legs

Deformities

11. Lower limb
12. Upper limbs, shoulders, forearm and hand
13. Club feet
14. Spina bifida
15. Spinal cord injuries
16. Rheumatism

Other disabilities

17. Albinism".