

ACTS SUPPLEMENT

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Act 6 *National Council for Disability
(Amendment) Act* **2013**

**THE NATIONAL COUNCIL FOR DISABILITY
(AMENDMENT) ACT, 2013**

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.

DATE OF ASSENT: 9th July, 2013.

Date of Commencement: 26th July, 2013.

BE IT ENACTED by Parliament as follows:

1. Repeal of subsection (1) (i) of section 6 of the principal Act.

The National Council for Disability Act, in this Act referred to as the principal Act, is amended by repealing subsection(1)(i) of section 6.

2. Insertion of Part VA.

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.

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

(3) The Electoral Commission shall organise, conduct and supervise the elections to form the electoral colleges that will elect representatives of persons with disabilities at the various 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) For the avoidance of doubt, the members and officials of the National Council for Disability shall not be involved in the formation of the electoral colleges.

(6) 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

(1) 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.

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(2) The Minister may, by Regulations, prescribe other disability codings that shall be used to determine whether impairment has substantial functional limitation of daily life activities for a 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) delegates at each level are to ensure representation in terms of categories of disabilities and gender, where applicable.
2. All willing persons with disabilities in each village assemble to elect five (5) executive committee members.
3. The chairperson of the persons with disabilities executive committee shall become secretary for disability affairs at village level.
4. 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.
5. The chairperson of the persons with disabilities executive committee shall become secretary for disability affairs at parish level.
6. 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.

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7. 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.

8. 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.

9. The five (5) persons with disability executive committee members from each district shall form the national electoral college to elect the representatives of persons with disabilities to Parliament.

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Section 31C

DISABILITY CODINGS

Sensory disabilities

1. Deaf with speech
2. Deaf without speech
3. Deaf-blind
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
17. Little persons

Other disabilities

18. Albinism”.

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