

QUESTION ONE

Assume that you are asked to draft the definition section of the Millennials Control Bill, 2017. Assume further that you have instructions to include the definition of the word “child” and “consent” in the definition section of this Bill.

Your research shows that “child” is defined in the section 2 of the Children Act, No.8 of 2001, Laws of Kenya to mean “any human being under the age of eighteen years” and “consent is defined in section 32 of the Millennials Control Bill as follows: “for the purpose of this Act, a person consents if he or she agrees by choice, and has the freedom and capacity to make that choice”.

- (a) Draft the definition of “child” in the Millennials Control Bill, 2017. (2 marks)
- (b) Draft the definition of “consent” in the Millennials Control Bill, 2017. (2 marks)
- (c) Assume that your assessment of the Bill requires the definition of the term “father”. On conducting further research, you discover that the Interpretation and General provisions Act, Chapter 2 Laws of Kenya, defines “father” to mean “In the case of any person whose personal law permits adoption, includes an adoptive father”.
- Advise on whether the Millennials Control Bill, 2017 will still include the definition of “father”. Explain your answer. (2 marks)
- (d) Assume further that your assessment of the Bill requires that you define the phrase “Human Immunodeficiency Virus, HIV”, which is not defined in any other legislation.
- Draft this definition. (2 marks)
- (e) Assume that section 7 of the Millennials Control Bill provides “There shall be a Managing Director appointed by Cabinet Secretary in consultation with the Millennials Control Council.
- Draft the definition of “Managing Director”. (2 marks)
- (f) Present/Draft the entire definition section of the Millennials Control Bill, 2017 including the definitions drafted in (a), (b), (d) and (e) above. Your answer should comply with the ordinary format/structure of Bills in Kenya. (4 marks)
- (g) Assume further that you have been asked to draft the entire Millennials Control Bill, 2017, provide the broad framework showing the main parts of the Bill. (3 marks)
- (h) Explain the purpose(s) of the parts mentioned in (g) above. (3 marks)