



LAWS OF KENYA



EDUCATION ACT

CHAPTER 211

Revised Edition 2012 [1980]

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org

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CHAPTER 211**EDUCATION ACT**

[Date of assent: 6th February, 1968.]

[Date of commencement: 4th April, 1968.]

An Act of Parliament to provide for the regulation and progressive development of education

[Act No. 5 of 1968, Act No. 11 of 1970, L.N. 41/1970, Act No. 17 of 1971, Act No. 7 of 2007.]

PART I – PRELIMINARY**1. Short title**

This Act may be cited as the Education Act.

2. Interpretation

In this Act, except where the context otherwise requires—

“**advisory council**” means an advisory council established under section 4;

“**assisted school**” means a school, other than a maintained school, which receives financial assistance from the Ministry or assistance from the Teachers Service Commission established by the Teachers Service Commission Act (Cap. 212);

“**board of governors**” means a board of governors established under Part III of this Act;

“**curriculum**” means all the subjects taught and all the activities provided at any school, and may include the time devoted to each subject and activity;

“**Institute**” means the Kenya Institute of Education established by section 23(1) of this Act;

“**institution of higher education**” means a university or a constituent college or institution of a university;

“**local authority**” means a county council or a municipal council constituted under the Local Government Act (Cap. 265);

“**maintained school**” means a school in respect of which the Ministry or a local authority accepts general financial responsibility for maintenance;

“**manager**” means any person or body of persons responsible for the management and conduct of a school, and includes a Board;

“**principal**” includes headmaster;

“**public funds**” means the public funds of the Government or the public funds of a local authority;

“**public school**” means a school maintained or assisted out of public funds;

“**pupil**” means a person enrolled as a pupil or student in a school;

“**qualified teacher**” has the meaning for the time being assigned to it in the Teachers Service Commission (Qualifications for Registration) (Cap. 212) Regulations 1967 (L.N. 90/1965, Sub-Leg);

“**register**” means the register of unaided schools established under Part IV;

“**school**” means an institution in which not less than ten pupils receive regular instruction, or an assembly of not less than ten pupils for the purpose of receiving regular instruction, or an institution which provides regular instruction by correspondence, but does not include—

- (a) any institution or assembly for which a Minister other than the Minister is responsible; or
- (b) any institution or assembly in which the instruction is, in the opinion of the Minister, wholly or mainly of a religious character; or
- (c) any institution for the purpose of training persons for admission to the ordained ministry of a religious order;

“**school committee**” means a school committee established under section 9;

“**syllabus**” means a concise statement of the contents of a course of instruction in a subject or subjects;

“**the Teachers Service Commission**” means the Teachers Service Commission established by section 3 of the Teachers Service Commission Act (Cap. 212);

“**unaided school**” means a school which is not receiving grants out of public funds.

PART II – PROMOTION OF EDUCATION

3. Minister to promote education

(1) The Minister shall promote the education of the people of Kenya and the progressive development of institutions devoted to the promotion of education, and shall secure the effective co-operation, under his general direction or control, of all public bodies concerned with education in carrying out the national policy for education.

(2) For the purposes of carrying out his duties under subsection (1), the Minister may from time to time formulate a development plan for education consistent with any national plan for economic and social development of Kenya.

4. Advisory councils

(1) The Minister may, by order, establish an advisory council to advise him on any matter concerning education in Kenya or in some part of Kenya, and may establish different councils for different areas or for different aspects of education.

(2) An advisory council shall consist of not less than ten and not more than twenty persons, each appointed by the Minister, and the Minister shall appoint one of the members to be chairman.

(3) The First Schedule shall apply with respect to advisory councils.

4A. Minister may establish institutes

(1) The Minister may, by order in the *Gazette*, establish one or more educational institutes with responsibility for the co-ordination of such activities as may be specified in the order.

(2) An order under this section may specify—

- (a) that the institute to which it relates shall have corporate personality;
- (b) the duties, powers and functions of the institute;
- (c) the manner in which the institute shall be governed;
- (d) the constitution, duties, powers and functions of an academic board responsible to the governing body of the institute; and
- (e) such other matters with respect to the conduct and management of the institute, as the Minister may find it necessary or desirable to provide for.

[Act No. 7 of 2007, Sch.]

5. Minister may entrust functions to local authority

(1) Subject to this Act and to any regulations made thereunder, the Minister may, by order, entrust any of his functions with respect to education to a local authority on such terms, conditions or restrictions as he may think fit.

(2) The Minister may, by order, revoke, suspend, vary or amend an entrustment made under subsection (1).

(3) Where an entrustment of a function to a local authority is revoked or suspended under subsection (2) of this section, the Minister may recover from the local authority the whole or any part of the expenditure incurred in the performance of the functions:

Provided that, where the estimates of expenditure to be incurred by the local authority in the performance of the function are subject to the approval of the Minister for the time being responsible for Local Government under Part XV of the Local Government Act (Cap. 265), such recovery shall be subject to the agreement of the Minister for the time being responsible for local government.

(4) Where functions have been entrusted to a municipal council under this section, the municipal council shall appoint an education committee in accordance with section 91 of the Local Government Act (Cap. 265), and shall consider a report from the education committee before exercising any of the functions:

Provided that, notwithstanding that regulation, an education committee shall consist of ten councillors and five other members appointed by the Minister, and those five other members shall include not more than three persons to represent any sponsor or sponsors appointed by the municipal council under section 8(1) of the Act.

(5) The principal education officer of a local authority shall attend all meetings of an education committee appointed under subsection (4), and shall advise the local authority on all matters concerning education in the area of the local authority.

[L.N. 41/1970, Sch.]

PART III – MANAGEMENT OF SCHOOLS

General

6. Management of schools

Subject to section 7—

- (a) every primary school maintained by a local authority shall be managed by that local authority; and
- (b) every maintained or assisted school other than a primary school maintained by a local authority shall be managed by a Board of Governors, or as the Minister may otherwise direct,

in accordance with this Act and any regulations made under this Act.

Primary Schools Maintained by Local Authorities

7. Choice for primary schools how maintained by local authorities

(1) The manager of every primary school maintained but not managed by a local authority before the commencement of this Act shall within six months of such commencement choose either—

- (a) to transfer the management of the school to that local authority, which shall thereafter manage and maintain the school (hereinafter called a transferred school); or
- (b) to continue to maintain the school as an unaided school.

(2) (Spent).

(3) Where the management of a school is transferred to a local authority under this section, the service of any teacher in the establishment of the school immediately before and immediately after the transfer shall be deemed to be continuous service for the purpose of regulation 16(1) of the Pensions Regulations (Cap. 189).

8. Transferred school formerly managed by church to have sponsor

(1) Where a transferred school was managed by a church, or an organization of churches, and it is the wish of the community served by the school that the religious traditions of the school should be respected, the former manager shall be appointed by the local authority to serve as the sponsor to the school.

(2) If the former manager, or any ten citizens belonging to the community served by the school, are aggrieved by the decision of a local authority to appoint, or to refuse to appoint, or to revoke the appointment or to refuse to revoke the appointment of, the former manager as sponsor to the school, they may appeal in writing to the Minister, who shall make such inquiries as appear to him desirable or necessary, and whose decision shall be final.

(3) Where the former manager of a transferred school has been appointed by the local authority to serve as the sponsor to the school—

- (a) the Teachers Service Commission, or any agent of the Teachers Service Commission responsible for the assignment of teachers to schools on behalf of the Teachers Service Commission, shall assign teachers to the school after consultation with and, so far as may be compatible with the maintenance of proper educational standards at the school and the economical use of public funds, with the agreement of the sponsor;
- (b) the sponsor shall have the right to use the school buildings free of charge, when the buildings are not in use for school purposes, after giving reasonable notice of his intention to do so to the headmaster of the school:
 Provided that any additional expenses and the cost of making good any damage incurred during or in consequence of the sponsor using the buildings shall be defrayed by the sponsor; and
- (c) religious instruction shall be given at the school in conformity with a syllabus prepared or approved under regulations made under section 19 of this Act after consultation with the sponsor.

(4) In determining what are the wishes of the community served by a school, the local authority or the Minister shall give due weight to the wishes of the parents of the children at the school.

9. School committee

(1) For every primary school maintained and managed by a local authority there shall be a school committee, established by the local authority, to advise the local authority on matters relating to the management of the school.

(2) The members of a school committee shall be appointed by the local authority in the prescribed number and manner, and the members of the committee shall include persons to represent the local authority, the community served by the school and, where a sponsor to the school has been appointed under section 8, the sponsor.

Other Schools

10. Board of Governors

(1) The Minister may, by order, establish a Board of Governors for any maintained or assisted school, other than a primary school managed and maintained by a local authority, or, if the manager of any unaided school applies to him, for that unaided school, and the Minister may—

- (a) establish one board of governors for two or more schools; or
- (b) establish boards of governors for two or more schools by means of the same order.

(2) The Minister may, by order, declare a Board of Governors to be a body corporate under the name of the Board of Governors of the school or schools, and such board of Governors shall have perpetual succession and a common seal with power to hold both movable and immovable property, and may in its corporate name sue and be sued.

(3) Where a Board of Governors is established, the Minister shall exercise all the functions of the board during the interval of time that may elapse between the establishment of the Board and the first meeting of the Board.

11. Constitution and functions of board of governors

An order establishing a Board of Governors shall provide for—

- (a) the exercise by the Board of the duty of management of the school or schools, subject to this Act, the Teachers Service Commission Act (Cap. 212) and any regulations made under this Act and to any limitations or restrictions that may be imposed by the order;
- (b) the membership of the Board, which shall be not less than five persons;
- (c) including among the members of the board representatives of the communities served by the school, of persons representing any voluntary body which was the founder of the school or its successor, and of any other persons or representatives of bodies or organizations that, in the opinion of the Minister, should be included;
- (d) the appointment and resignation of members and the continuity of the membership of the board;
- (e) a person or persons representing the Minister to attend at meetings of the board;
- (f) in the case of a Board of Governors which is not a body corporate, vesting the movable and immovable property of the Board in trustees incorporated under any law or in the Public Trustee;
- (g) the application of all the income of the school to promoting the objects of the school;
- (h) any other matters which the Minister considers it necessary or desirable to provide for with respect to the status, functions, constitution or procedure of the board.

12. Default by Board of Governors

(1) Where in the opinion of the Minister a Board of Governors has behaved irresponsibly or has failed to exercise properly its functions under this Act, he may in writing—

- (a) suspend the Board from the exercise of and performance of all its powers and duties, and appoint an administrator to exercise and perform all the powers and duties of the board for such period not exceeding one year as the Minister specifies;
- (b) require the resignation of all or any of the members of the board, and appoint or require the appointment of new members of the Board.

(2) The Minister shall make regulations providing for the manner in which an administrator appointed under subsection (1) shall exercise all the powers and perform the duties of a board of governors.

PART IV – REGISTRATION OF UNAIDED SCHOOLS

13. Register of unaided schools

The Minister shall cause a register of unaided schools to be established and maintained, and the register shall be open to public inspection at all reasonable times.

14. Application for registration

(1) Any person who wishes to establish an unaided school shall first make application to the Minister for the school to be registered.

(2) An application for registration shall state the classification of the proposed school according to the prescribed nomenclature and the classes or forms to be provided in the school.

(3) In this section “establish”, in relation to a school, includes—

- (a) providing any additional class or form not included in any previous registration; or
- (b) providing any type of education not falling within the classification in which the school was previously registered; or
- (c) changing ownership or management of the school; or
- (d) transferring the school to a new site; or
- (e) reopening a school that has been closed under section 16.

15. Registration

(1) Where application is made for the registration of an unaided school, the Minister shall cause the school to be provisionally registered for a period of eighteen months, if he is satisfied that—

- (a) the establishment of the school is consistent with the needs of Kenya and the economical and efficient provision of public education; and
- (b) the premises and accommodation are suitable and adequate, having regard to the number, ages and sex of the pupils who are to attend the school, and fulfil the prescribed minimum requirements of health and safety and conform with any building regulations for the time being in force under any written law; and
- (c) the manager is a suitable and proper person to be the manager of the school:

Provided that, where the establishment of the school consists only of one or more of the acts specified in paragraphs (a), (b), (c), (d) and (e) of section 14(3), the Minister may, in his discretion, register the school at the outset instead of first registering it provisionally.

(2) If, at the end of one year from the provisional registration of a school the Minister is satisfied that efficient and suitable instruction is being provided at the school, he may cause the school to be registered.

(3) The Minister may, as a condition of provisional registration or registration, require the manager of an unaided school to apply to him for an order establishing a Board of Governors for the school, and such a requirement may be made at any subsequent time.

(4) Where the Minister refuses to provisionally register or to register an unaided school, he shall inform the person making the application in writing of the grounds of refusal.

16. Closure of unaided school

(1) Where the Minister is satisfied that an unaided school which has been registered under this Part is objectionable because the school—

- (a) fails to comply with paragraphs (a), (b) and (c) of section 15(1); or
- (b) is a place in which efficient and suitable education or instruction is not being provided; or
- (c) is being conducted or managed in a manner which is, in the opinion of the Minister, prejudicial to the physical, mental or moral welfare of the pupils of the school, or to peace, good order or good government in Kenya; or
- (d) is a place in which a person is teaching who is not registered in the register of teachers kept under section 7 of the Teachers Service Commission Act (Cap. 212) (now repealed) and is not exempted under section 22 of that Act from registration; or
- (e) fails to conform with regulations made under section 19; or
- (f) has not complied with a condition imposed under section 15(3),

the Minister may serve on the manager of the school a notice in writing specifying the respects in which the school is objectionable and requiring him to remedy the said matters within a specified period not exceeding six months:

Provided that if, in the opinion of the Minister, there are urgent reasons for the immediate closure of the school the Minister may order the manager of the school to close the school forthwith.

(2) If the manager of an unaided school fails to remedy the matters specified in a notice served on him under subsection (1) of this section within the period specified therein, the Minister shall order the manager to close the school.

(3) An unaided school which has been ordered to be closed under this section, and any unaided school which has remained closed for a period of six months or more, shall be removed from the register.

17. Regulations as to registration

The Minister may make regulations with respect to registration of unaided schools and in particular such regulations may—

- (a) prescribe the particulars to be entered in the register;
- (b) prescribe the manner in which application for registration shall be made and the particulars, proof or evidence to be supplied by the applicant;
- (c) prescribe with respect to any application for registration the procedure to be followed, the forms to be used and the fees to be paid;

- (d) prescribe the conditions which may be attached to provisional registration, beyond that mentioned in section 15(3);
- (e) provide for the issue, variation and revocation of certificates of provisional registration and certificates of registration;
- (f) require the submission from time to time, or at any time, of any particulars, information, documents or returns by the manager of a registered unaided school;
- (g) provide for any other matter that the Minister may consider necessary or desirable to provide for the purposes of this Part.

PART V – INSPECTION AND CONTROL OF SCHOOLS

18. Inspection of schools

(1) The Minister shall appoint officers with authority to enter and inspect any school, or any place at which it is reasonably suspected that a school is being conducted, at any time, with or without notice, and to report to him with respect to the school or any aspect thereof.

(2) The Minister shall appoint officers with authority to enter any school at any time, with or without notice, and inspect or audit the accounts of the school or advise the manager of the school on the maintenance of accounting records, and may temporarily remove any books or records for the purpose of inspection or audit.

(3) On being so requested by an officer appointed under this section, the principal of the school shall place at the disposal of the officer all the facilities, records, accounts, notebooks, examination scripts and other materials belonging to the school that the officer may reasonably require for the purpose of the inspection of the school or the inspection or audit of its accounts.

(4) An officer inspecting a school under subsection (1) shall have special regard to the maintenance of educational standards and to compliance with any regulations made under section 19.

(5) In this section, “school” includes—

- (a) any part of the school and any buildings used in connexion with the school, including workshops, dormitories, kitchens, sanatoria, hostels, ancillary buildings and any other buildings on the site of the school; and
- (b) except in subsection (2), an institution or assembly for which a Minister other than the Minister is responsible.

19. Regulations as to conduct of schools

The Minister may make regulations with respect to the conduct and management of schools and such regulations may—

- (a) prescribe standards with regard to the numbers and qualifications of staff, the size of classes and the expenditure on educational materials;

- (b) provide for the preparation or approval of curricula, syllabuses, books and other educational materials;
- (c) prescribe minimum standards for the health and safety of pupils and for a satisfactory environment for education;
- (d) provide for the keeping of registers and records and the submission of returns;
- (e) provide for the admission, suspension, punishment and dismissal of pupils;
- (f) prescribe the minimum number of days in a year on which instruction shall be given;
- (g) prescribe how schools shall be classified and the name to be attached to each class of school;
- (h) make different provision with respect to different classes or kinds of schools, impose conditions and make exceptions;
- (i) provide for or prescribe such other matters as the Minister considers it necessary or desirable to provide for or prescribe.

PART VI – EXAMINATIONS AND DIPLOMAS

20. Examinations and issue of certificates and diplomas

(1) The Minister may provide for the conduct of public examinations, and may issue certificates or diplomas to pupils who have been successful in a public examination for the conduct of which he has provided.

(2) The Minister may issue certificates and diplomas to pupils who have successfully completed an approved course of education or training.

21. No unauthorized issue of certificates or diplomas

No person except—

- (a) the persons and institutions named in the Second Schedule; or
- (b) a person who has received the consent of the Minister, given by notice in the *Gazette*,

shall issue a certificate or diploma to any person indicating or purporting to indicate, that a person has successfully completed a course of education or training, or has attained a particular educational standard, or possesses any skill, knowledge or professional competence.

22. Regulations as to examinations, certificates and diplomas

The Minister may make regulations—

- (a) prescribing the manner in which certificates or diplomas may be issued under section 20;
- (b) prescribing the manner in which public examinations shall be conducted, and the conditions of entry and the fees to be charged;
- (c) concerning the submission of applications for the Minister's consent to the issue of certificates and diplomas, and the revocation of such consent.

PART VII – THE KENYA INSTITUTE OF EDUCATION

23. Establishment of Kenya Institute of Education

(1) There is hereby established the Kenya Institute of Education with responsibility for the co-ordination of institutions devoted to the training of teachers, the conduct of examinations to enable persons to become qualified teachers, the conduct and promotion of educational research, the preparation of educational materials and other matters connected with the training of teachers and the development of education and training.

(2) The Minister may, by order, prescribe—

- (a) the duties, powers and functions of the Institute;
- (b) the manner in which the Institute shall be managed and controlled by a Council including persons representing the Minister, the University of Nairobi and the maintained training colleges of Kenya;
- (c) the constitution, duties, powers and functions of an Academic Board responsible to the Council for the academic management of the Institute;
- (d) that the movable and immovable property of the Institute may be vested in the Public Trustee and the manner in which they shall be so vested; and
- (e) any other matters with respect to the conduct and management of the Institute which the Minister considers it necessary or desirable to provide for.

PART VIII – MISCELLANEOUS

24. Area to be served by public school

The Minister may, at the request of any local authority or otherwise, by notice in the *Gazette*, prescribe the area to be served by a public school.

25. Medical examination

The Minister, or the manager of a school, may require any person attending the school, or applying for admission to the school, to undergo medical examination by a medical practitioner.

26. Religious instruction in public schools

(1) If the parent of a pupil at a public school requests that the pupil be wholly or partly excused from attending religious worship, or religious worship and religious instruction, in the school, the pupil shall be excused such attendance until the request is withdrawn.

(2) Where the parent of a pupil at a public school wishes the pupil to attend religious worship or religious instruction of a kind which is not provided in the school, the school shall provide such facilities as may be practicable for the pupil to receive religious instruction and attend religious worship of the kind desired by the parent.

27. Minister may give directions

(1) Where the Minister is satisfied, upon complaint made by any person or otherwise, that a local authority, or the Board of Governors or manager of any school, or a sponsor, or the Institute, or the Teachers Service Commission, has acted or is proposing to act unreasonably or in contravention of the policy of the Government with respect to education as approved from time to time in Parliament, in the exercise of any functions entrusted to it by or under this Act, or the Teachers Service Commission Act (Cap. 212), he may give such directions as to the exercise of such functions as appear to him expedient.

(2) Where the Minister is satisfied that a local authority, or the Board of Governors or manager of any school, or the Institute, or the Teachers Service Commission established as aforesaid, has failed to discharge any duty imposed upon it by, or for the purposes of, this Act, or the Teachers Service Commission Act (Cap. 212), he may give such directions as may be necessary for securing compliance with this Act or the Teachers Service Commission Act (Cap. 212):

Provided that, where the estimates of expenditure to be incurred by any local authority in the performance of any function entrusted to it under section 5 are subject to the approval of the Minister for the time being responsible for Local Government under Part XV of the Local Government Act (Cap. 265), any direction given under this subsection to a local authority shall be subject to the agreement of the Minister for the time being responsible for Local Government.

PART VIIIA – DISTRICT EDUCATION BOARDS

28. Establishment of Boards

(1) The Minister may, by notice in the *Gazette*, establish a District Education Board (in this Part referred to as a Board) for any district or for such other area or areas as may be specified in the notice.

(2) A notice under this section shall specify the classification or types of schools, or groups of schools, in respect of which the Board concerned shall have jurisdiction within the area for which it is established.

[Act No. 17 of 1971, s. 2.]

29. Memberships of Boards

(1) Each Board shall consist of not less than ten nor more than fifteen members appointed by the Minister, of whom—

- (a) one shall be the Provincial Education Officer of the Province or his representative;
- (b) one shall be the clerk to the council of the local authority for the area of jurisdiction of the Board or, where there is more than one such local authority, the clerk to the council of such one of them as the Minister may direct;
- (c) three shall be nominated by the local authority for the area of jurisdiction of the Board or, where there is more than one such local authority, by such of them, in such proportions, as the Minister may direct;

- (d) three shall be nominated by the managers or sponsors of the schools or groups of schools in respect of which the Board has jurisdiction;
- (e) one shall be nominated by any registered, trade union recognized by the Minister as representing the interests of teachers;
- (f) not more than six shall be appointed by the Minister to represent other interests.

(2) The Minister shall appoint one member of a Board to be chairman, and the District Education Officer to be the secretary and executive officer, of the Board.

(3) A member of a Board shall hold office for a period of three years from the date of his appointment unless earlier—

- (a) he dies;
- (b) he resigns his office by writing under his hand addressed to the Minister;
- (c) the Minister revokes his appointment,

but at the expiration of his period of office a member shall be eligible for reappointment.

(4) Where the office of a member of a Board becomes vacant by reason other than the expiry of the period of such office, the Minister may, in accordance with subsection (1), appoint a person in place of such member who shall hold office for the remainder of the period of office of the member he replaces.

[Act No. 17 of 1971, s. 2.]

30. Procedure of Boards

(1) A Board shall meet at least three times in every year, and the chairman may, and shall at the written request of not less than six members of the Board, at any time summon a special meeting of the Board, and in the case of such request the meeting shall be held within six weeks of the receipt of the request by the chairman.

(2) The Permanent Secretary of the Ministry of Education, or his representative, and the Provincial Commissioner, or his representative, any member of the National Assembly duly elected to represent the constituents of an area within the jurisdiction of the Board, and any person invited by the chairman, may be present at any meeting of a Board and take part in the proceedings but shall not be entitled to vote on any question.

(3) Subject to this section and save as otherwise may be prescribed, a Board shall regulate its own procedure.

[Act No. 17 of 1971, s. 2.]

31. Functions of Boards

The functions of a Board, in respect of the area and the schools under its jurisdiction, shall be—

- (a) to prepare and to submit to the Minister for approval estimates of revenue and expenditure;

- (b) to receive grants or grants-in-aid from public or local authority funds;
- (c) to administer such grants or grants-in-aid in respect of such schools in accordance with the approved estimates of expenditure;
- (d) to submit to the Minister for approval plans for the development or promotion of education in the area and to carry out such plans if approved;
- (e) to tender advice to the Minister on the establishment of new schools;
- (f) to submit such statistical, financial and other reports as the Minister may require;
- (g) to superintend the management of public schools;
- (h) to fulfil such other functions as the Minister may prescribe.

[Act No. 17 of 1971, s. 2.]

32. Financial provisions

(1) Every Board shall cause to be kept all proper books of account, and other records relating thereto, in respect of all its funds, property and transactions, and shall prepare such accounts, in such form, as the Minister may prescribe.

(2) The Minister shall appoint the Controller and Auditor-General or some other auditor to inspect, examine and report to the Board on the annual accounts and financial records of a Board:

Provided that the Controller and Auditor-General shall not be so appointed without his consent.

(3) A Board shall cause to be produced and laid before the auditor all books and accounts of the Board and all other documents and information required by the auditor in order to carry out the audit.

(4) On receipt of a report by the auditor, the secretary of a Board shall—

- (a) within three weeks of such receipt, transmit a copy of the report and of the accounts certified by the auditor to the Minister,
- (b) submit such report and accounts to the Board at its next meeting, which shall be held not later than three months after such receipt, and the secretary shall, within three weeks of such meeting, forward to the Minister a copy of the resolution of the Board accepting and adopting the accounts.

(5) The expenses of and incidental to an audit shall be paid by the Board, and where the accounts require to be completed by the auditor the audit fee may take account of the extra work occasioned thereby.

[Act No. 17 of 1971, s. 2.]

33. Regulations

The Minister may make regulations—

- (a) prescribing the powers and duties of Boards regarding the manner of establishment of new schools or groups of schools;
- (b) prescribing the manner and form in which records and statistics shall be kept by Boards and the manner in which returns shall be rendered and recommendations made;

- (c) regulating the procedure of Boards;
- (d) prescribing the manner and form in which development plans shall be drawn up and submitted;
- (e) prescribing anything required to be prescribed for the purposes of this Part.

[Act No. 17 of 1971, s. 2.]

PART IX – FINANCIAL

34. Use of public funds

- (1) The Minister may from time to time from public funds—
 - (a) establish, maintain, assist, make grants-in-aid of or make advances on loan in respect of—
 - (i) schools;
 - (ii) establishments or provision for the boarding or feeding of pupils;
 - (iii) organizations or establishments responsible for educational development or research, or the promotion or co-ordination of education, or the welfare of students;
 - (iv) organizations responsible for the conduct of public examinations;
 - (b) make grants-in-aid to any institution of higher education;
 - (c) provide for the conduct of such public examinations as are held under the supervision or control of the Ministry;
 - (d) make grants-in-aid to local authorities for the purpose of any functions entrusted to them under section 5;
 - (e) provide in whole or in part for the transport of pupils to or from any public school;
 - (f) provide for the medical inspection of pupils;
 - (g) provide scholarships or bursaries to assist in the education, maintenance and transport of pupils who are undergoing, or proceeding to or returning from courses of instruction at an institution approved by the Minister;
 - (h) provide for the reimbursement of the expenses of any body constituted under this Act;
 - (i) provide for, or make grants-in-aid of, educational conferences, exhibitions, displays, dramatic or film presentations, sports or other occasions of an educational character or purpose;
 - (j) make such other provision for the carrying on of education as may be consistent with this Act.
- (2) Grants-in-aid may be made for either capital or recurrent purposes.

35. Regulations as to use of public funds

The Minister may make regulations prescribing—

- (a) the conditions upon which grants which may lawfully be made out of public funds for the maintenance or assistance of schools, organizations or establishments may be made;
- (b) the fees to be charged or remitted at any school which receives a grant out of public funds, and the liability of parents for the payment of fees;
- (c) the manner in which scholarships or bursaries may be granted, increased, reduced or withdrawn;
- (d) the manner in which and the conditions under which grants are made to any institution of higher education;
- (e) any other matter with respect to public funds relating to the submission of estimates, the maintenance and submission of accounting records, the use to which grants may be applied and the disposal of surpluses and reserve funds.

36. Offences

Any person who—

- (a) establishes, manages, maintains or conducts an unaided school which has not been provisionally registered or registered, or whose provisional registration has expired, or which has been removed from the register in accordance with section 16(3) of this Act; or
- (b) issues a certificate or diploma contrary to section 21 of this Act; or
- (c) hinders or obstructs any officer of the Ministry acting in the course of his duty as such, or any person exercising any powers, or performing any duties, conferred or imposed by or under this Act,

shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

[Act No. 11 of 1970, Sch.]

37. General power to make regulations

Without prejudice to the other provisions in this Act for the making of regulations for particular purposes, the Minister may make regulations generally for the better carrying out of the purposes of this Act.

38. Repeal of Cap. 211

Provided that the following Orders made under that Act, namely

- (a) the Education (Hospital Hill School Governors) Order (Cap. 211, Sub. Leg., L.N. 212/1962, L.N. 431/41962, L.N. 180/1965)
- (b) the Education (Boards of Governors) Order 1964 (Cap. 211, L.N. 353/1964, L.N. 43/1965, L.N. 114/1965, L.N. 204/1965, L.N. 2/1966, L.N. 3/1966, L.N. 111/1966, L.N. 277/1966, L.N. 350/1966, L.N. 52/1967.);

- (c) the Kenya Polytechnic (Board of Governors) Order 1965 (Cap. 24, Sub-Leg, L.N. 73/1965, L.N. 278/1966)
- (d) the Mombasa Technical Institute (Board of Governors) Order 1966 (Cap. 24, Sub-Leg, L.N. 84/1967)

shall continue in force as though made under this Act, and accordingly the Boards of Governors established by those Orders shall upon the commencement of this Act—

- (i) be deemed to have been established and incorporated under section 10 of this Act;
- (ii) hold the same property and be subject to the same obligations as they held or were subject to immediately before such commencement.

FIRST SCHEDULE

[Section 4(3).]

PROVISION AS TO ADVISORY COUNCILS

Tenure and Vacation of Office

1. The members of an advisory council shall hold office for three years, or such lesser period as the Minister may specify in the appointment, and shall be eligible on retirement for re-appointment.
2. A member of the advisory council may at any time by notice in writing addressed to the Minister resign his office and if a member becomes, in the opinion of the Minister, unfit or unqualified to continue in office, or incapable of performing his duties, the Minister may revoke the appointment of the member and communicate the revocation to him in writing.
3. The names of persons appointed to be members of an advisory council and the names of persons ceasing to be members of the Council shall be notified in the *Gazette*.

Meetings and Proceedings

4. Subject as hereinafter provided, an advisory council shall regulate its own procedure.
5. Meetings of an advisory council shall be called by the chairman of the council whenever the Minister so requests.
6. If the chairman is absent from a meeting of an advisory council, the members present shall elect one of their number to preside at that meeting.
7. The agenda at a meeting of an advisory council shall consist of such matters as the Minister may from time to time refer to the council for consideration by the council and such other matters as the council, with the agreement of the Minister, may receive to consider.

8. A quorum at any meeting of an advisory council shall be one half of the members of the Council.

9. A resolution at a meeting of an advisory council shall require the affirmative votes of one half of the members present except the chairman, who shall have a casting vote only.

Staff

10. The secretary and any other staff of an advisory council shall be public officers appointed for the purpose by the Minister.

SECOND SCHEDULE

[Section 21.]

PERSONS WHO NEED NOT OBTAIN THE MINISTER'S PRIOR WRITTEN
CONSENT TO THE ISSUE OF CERTIFICATES AND DIPLOMAS

The Government.

Any person issuing a certificate or diploma as a result of an examination for the conduct of which the Government, the Kenya Polytechnic or the Mombasa Technical Institute is responsible.

Any institution of higher education.

The Kenya Scouts Association.

The Council of Legal Education.

Egerton Agricultural College.

The Girl Guides Association.

The Kenya Polytechnic.

The Kenya Red Cross.

Pitmans Examinations Institute.

St. John Ambulance Association.

CHAPTER 211

EDUCATION ACT

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**EDUCATION (BOARD OF GOVERNORS) (HOSPITAL HILL SCHOOL)
ORDER, 1954**

ARRANGEMENT OF ORDERS

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 19. Principal not to have other employment.
 20. *Deleted.*
 21. Exhibitions.
 22. *Deleted.*
 23. Saving.
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[Subsidiary]

**EDUCATION (BOARD OF GOVERNORS) (HOSPITAL HILL SCHOOL)
ORDER, 1954**

[G.N. 1233/1954, L.N. 431/1962, L.N. 180/1965.]

PART I – PRELIMINARY

1. Citation

This Order may be cited as the Education (Board of Governors) (Hospital Hill School) Order, 1954.

2. Interpretation

In this Order—

“**Board**” means the Hospital Hill School Board of Governors;

“**governor**” means a member of the Board;

“**school**” means the Hospital Hill School situated at Parklands in the Nairobi Area.

[L.N. 180/1965, s. 2.]

PART II – THE BOARD OF GOVERNORS

3. Board of Governors

(1) There is hereby established a Board of Governors of the Hospital Hill School to be known as the Hospital Hill School Board of Governors, which is hereby declared to be a body corporate.

(2) The Board shall consist of not more than nine persons appointed by the Minister.

(3) Neither the principal of the school nor any member of the staff thereof may be appointed as a governor, but the principal shall attend all meetings of the Board, except on such occasions as the Board may otherwise determine, and may be appointed by the Board to act as secretary and treasurer of the Board.

[L.N. 431/1962, o. 2, L.N. 180/1965, o. 3.]

4. Deleted by L.N. 180/1965.

5. Acceptance of office

No person shall be entitled to act as a governor until he has signed a declaration of willingness to act as such.

[L.N. 431/1962, o. 2, L.N. 180/1965, o. 5.]

6. Interest in contracts, etc.

Except in special circumstances, with the approval in writing of the Minister, no governor shall take or hold any interest in any property belonging to the school, otherwise than as trustee for the purpose thereof, or receive any remuneration or be interested in the supply of work or goods at the cost of the school.

[L.N. 180/1965, o. 6.]

7. Governor not personally liable

No governor shall be subject to any personal liability in respect of any matter or thing done or omitted or any contract entered into by or on behalf of the Board.

[Subsidiary]

7A. No Governor shall be subject to any personal liability in respect of any matter or thing done or omitted or any contract entered into by or on behalf of the Board.

[L.N. 431/1962, o. 2, L.N. 180/1965, o.7.]

8. Vacancies on Board

(1) Any governor who is absent from all meetings of the Board during a period of one year or more, or who is adjudicated bankrupt or is incapacitated from acting, or who communicates in writing to the Board a wish to resign, shall thereupon cease to be a governor.

(2) (a) Every vacancy in the office of governor shall, as soon as possible, be notified to the Minister.

(b) Any competent governor may be re-appointed.

(c) A governor appointed to fill a casual vacancy shall hold office only for the unexpired term of office of the governor in whose place he is appointed.

(3) The Minister, whenever he deems it necessary, may by notice in writing served upon or addressed by post to the last known postal address of any governor, require him to resign, and thereupon he shall cease to be a governor.

(4) The Board may, with the approval of the Minister, appoint a substitute for any governor who notifies the Board that he intends to be absent from Kenya for any period not exceeding eight months; and a substitute governor appointed under this provision shall, during such absence as aforesaid, be deemed to be a governor for all intents and purposes.

[L.N. 180/1965, o.8.]

9. Meetings and procedure

(1) The Board shall hold meetings at least once in each year; a special meeting may at any time be summoned by any three governors upon two clear weeks' notice being given to the other governors of the matters to be discussed.

(2) The Board shall appoint a chairman of the Board annually from among members of the Board; in the case of absence of the chairman from any meeting of the Board, the governors present at the meeting shall elect one of their number to act as chairman of such meeting.

(3) There shall be a quorum when one-half of the membership of the Board (of whom one at least is a governor) are present at a meeting.

(4) Every matter shall be determined by a majority of the governors present and voting on the question; and in the case of an equality of votes the chairman of the meeting shall have a second or casting vote.

(5) If at the time appointed for a meeting of the Board a sufficient number of governors to form a quorum is not present, or if at any meeting the business is not completed, the meeting shall stand adjourned *sine die*, and a special meeting shall be summoned as soon as conveniently may be.

(6) Any meeting may be adjourned by resolution.

(7) Any resolution of the Board may be rescinded or varied at a subsequent meeting if due notice of the intention to rescind or vary the same has been given to all the governors.

(8) The Board may invite persons who are not governors to attend at any meeting thereof, for the purpose of assisting the Board in the consideration or determination of any matter before the Board, but no such person shall be entitled to vote on any such matter or, except so far as the chairman may allow, to take part in the proceedings of the Board.

[Subsidiary]

(9) The Minister may appoint a representative or representatives, who shall have the right to attend meetings of the Board and to speak thereat but shall not have the right to vote.

[L.N. 180/1965, o. 9.]

PART III – MANAGEMENT OF THE SCHOOL AND FUNCTIONS OF THE BOARD**10. Management of schools**

The school shall be managed by the Board—

- (a) in accordance with the Act and with the Teachers Service Commission Act (Cap. 212), with rules and regulations made there under and with this Order;
- (b) so as to maintain a high moral tone in the school; and
- (c) subject to the provisions of paragraph (a) of this section, in conformity with a policy to be agreed between the Board and the Chief Education Officer.

[L.N. 180/1965, o. 10.]

11. Principal and staff

Subject to the provisions of the Act—

- (a) the Board shall, in consultation with the Chief Education Officer, appoint a suitable and duly qualified principal of the school, taking suitable measures to obtain applications from qualified candidates;
- (b) the Board shall also, in consultation with the Chief Education Officer, appoint an adequate and suitable teaching and non-teaching staff, or may if it thinks fit, subject to the same consultation, delegate that power of appointment within the limits of an establishment fixed by the Board, to the principal, whether generally or on any particular occasion;
- (c) all persons engaged by the Board on the staff of the school shall serve under a written contract of service with the Board;
- (d) the Board may at pleasure dismiss any person employed by it in connection with the school without assigning cause, upon notice being given in accordance with the provisions of the contract between the Board and that person; they may also for misconduct or other good and urgent cause dismiss any such person without notice;
- (e) a resolution to dismiss the principal shall not take effect unless it has been passed at a special meeting convened for that purpose and has been so passed by not less than two-thirds of the governors present and voting on the question;
- (f) no person shall be dismissed without an opportunity of appearing in person before the Board accompanied, if he or she so desires, by a friend;
- (g) subject to the provisions of the Teachers Service Commission Act (Cap. 212) and this Order, teaching and non-teaching staff shall be employed in accordance with terms and conditions of service approved by the Chief Education Officer.

[L.N. 180/1965, o. 11.]

12. Finance

(1) The Board shall in the month of January in each year submit for the consideration of the Chief Education Officer an estimate of the income and the expenditure required, for the purposes of the school, for the twelve months ending on the 30th June in the following year, in such form as the Chief Education Officer may require or as may be prescribed.

(2) The Chief Education Officer shall consider the estimate and make such variation therein as he may think fit, or as the Minister may direct.

(3) Where the Board is empowered by the Chief Education Officer to incur expenditure, it shall not exceed the amount approved by him under each head of the estimate in any year without his previous consent.

(4) The Board shall furnish to the Chief Education Officer whenever required by him such annual or other statement of accounts of income and expenditure in respect of the school as he may require or as may be prescribed by regulations made under the Act.

13. Organisation and curriculum

(1) Subject to the provisions of sections 10 and 14, the Board shall have the general direction of the conduct and curriculum of the school.

(2) Subject to the provisions of this Order, the principal shall control the internal organisation, management and discipline of the school, shall exercise supervision over the teaching and non-teaching staff and shall have the power of suspending pupils from attendance for any cause which he considers adequate, but on suspending any pupil he shall forthwith report the case to the Board.

(3) (a) There shall be full consultation at all times between the principal and the Board.

(b) All major proposals and reports affecting the conduct and curriculum of the school shall be submitted formally to the Board and the Chief Education Officer shall be furnished with a copy thereof at least fourteen days before such proposals and reports are considered by the Board.

(c) Suitable arrangements shall be made for enabling the teaching staff to submit their views or proposals on any matter affecting the school to the Board through the principal.

14. Admission and removal of pupils

(1) Subject to the provisions of the Act and of any rules made there under, the Board shall regulate the admission of pupils to, and the removal of pupils from, the school.

(2) The admission of pupils shall be within the limits of numbers for the school as approved by the Board, and no pupil shall be refused admission to, or excluded from, the school on any ground of sex, race or colour or on other than reasonable grounds.

(3) The Board may, subject to such restrictions (if any) as it may think fit, delegate to the principal the execution of its functions in regard to the admission of pupils; but no pupil shall be removed from the school except after consultation with the Chief Education officer.

[L.N. 180/1965, o. 12.]

15. Fees, grants and donations

(1) The Board shall, subject to any notice made under the Act, fix the tuition and maintenance fees payable in respect of pupils at the school.

(2) Subject as aforesaid, the Board shall receive all fees payable in respect of pupils, and all grants made out of public funds, and all donations given to the school.

(3) The Board shall pay all expenses connected with the school, including the expenses of the trustees of the school and the salaries of the principal and teaching and non-teaching staff.

(4) The Board shall be responsible for making arrangements to raise any loan which the Minister may, at the request of the Board, authorise for the purposes of the school,

[Subsidiary]

and shall secure that proper provision is made for the repayment thereof and payment of all interest and other charges thereon in accordance with any order made by the Minister in the matter.

PART IV – TRUSTEES OF PROPERTY OF THE SCHOOL**16. Property to be held in name of Board**

(1) All such immovable property, shares, funds and securities as may from time to time become the property of the Board shall be in the name of the Board of Governors of the Hospital Hill School and shall be dealt with in such manner as the Board may from time to time determine, subject to the conditions upon which any grants are made from public funds for capital or recurrent purposes and the conditions upon which any endowment, bequest or donation is made for any purpose connected with the school.

(2) The common seal of the Board shall be in the custody of the secretary of the Board and shall be signified by the Chairman of the Board or such other Governor as the Board may by resolution appoint and by any one other Governor.

[L.N. 180/1965, o. 13.]

PART V – GENERAL**17. Regulations of Board**

Within the limits prescribed by this Order, the Board shall have full power to make regulations for the management of the school and for the conduct of its business, including the summoning of and procedure at meetings, the deposit of money in a bank and the custody of documents.

18. Principal's tenure of official residence

(1) The principal shall dwell in the residence, if any, assigned to him.

(2) The occupation and use of the residence, and of any other property of the school of occupied by him as principal, shall be had by him in respect of his official capacity and duties, and not as tenant, and, if he is removed from his office, he shall relinquish all claim to that office and its future emoluments, and shall deliver up possession of the residence and other property to the Board or as it shall direct.

(3) He shall not, except with the permission of the Board, permit any person not being a member of his family to occupy the residence or any part thereof.

19. Principal not to have other employment

The Principal shall give his personal attention to the duties of the school; he shall not undertake any office or employment interfering with the proper performance of his duties as principal.

20. Deleted by L.N 180/1965.

21. Exhibitions

The Board may, during or at the end of any school year, award exhibitions to pupils leaving the school in that year, subject to any regulations made by the Board, tenable at any institution for further education approved by the Board, and consisting either of a single payment or of payments extending for such period (renewable or otherwise) as may be so prescribed and awardable either on the result of an examination or competition or otherwise as may be so prescribed.

22. Deleted by L.N 180/1965, o. 14.

23. Saving

Nothing in this Order shall affect the terms and conditions upon which any grant may be made to the Board out of public funds in aid of the school, or the terms and conditions upon which any land is granted for the purposes of the school by the Government.

24A. Deleted by L.N. 180/1965.

**KENYA POLYTECHNIC (BOARD OF GOVERNORS) (KENYA POLYTECHNIC)
ORDER, 1965**

ARRANGEMENT OF ORDERS

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4. Constitution of Board of Governors.
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20. Vesting of property of Board.

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-

[Subsidiary]

KENYA POLYTECHNIC (BOARD OF GOVERNORS) ORDER, 1965

ORDERS UNDER SECTION 18

[L.N. 73/1965, L.N. 278/1966.]

PART I – PRELIMINARY

1. Citation

This Order may be cited as the Kenya Polytechnic (Board of Governors) Order, 1965.

2. Interpretation

In this Order, except where the context otherwise requires—

“**Board**” means the Board of Governors of the Kenya Polytechnic;

“**governor**” means a member of the Board;

“**Polytechnic**” means the Kenya Polytechnic situated in Nairobi and includes any hostel of the Polytechnic;

“**principal**” means the principal of the Kenya Polytechnic;

“**staff**” means the staff of the Kenya Polytechnic;

“**student**” means a student of the Polytechnic.

PART II – BOARD OF GOVERNORS

3. Establishment of Board of Governors as body corporate

There is hereby established a Board of governors for the Kenya Polytechnic to be known as the Kenya Polytechnic Board of Governors which is hereby declared to be a body corporate.

4. Constitution of Board of Governors

(1) The Board shall consist of the following members—

(a) a Chairman appointed by the Minister;

(b) one person appointed by the Minister and nominated by each of the following bodies—

The Industrial and Commercial Development Corporation;

The East African Institute of Architects;

The Federation of Kenya Employers;

The East African Railways and Harbours Administration;

The East African Posts and Telecommunications Administration;

The East African Institution of Engineers;

The Central Organization of Trade Unions (Kenya);

The Council of University College, Nairobi;

The City Council of Nairobi;

(c) a person who is the chairman of any Advisory Panel set up under paragraph 13 of this Order, unless he is already a Governor by virtue of subparagraph (b) of this paragraph;

[Subsidiary]

- (d) a person appointed by the Minister to represent secondary schools in Kenya;
- (e) not more than three persons co-opted by the Board.

(2) The Board shall appoint a paid or unpaid secretary who may, but need not, be a member of the Board.

(3) Neither the Principal or any member of the staff of the Polytechnic may be a member of Board, but the principal shall submit items of business for discussion by the Board and attend the meetings of the Board, except when the Board shall otherwise determine, but shall not be entitled to vote.

[L.N. 278/1966, o. 2.]

5. Tenure of office of Governors

Governors shall hold office for a period of three years and shall be eligible for reappointment:

Provided that the Board may make provision for the rotational retirement of a number of its members at the end of each calendar year. Governors shall be eligible for re-appointment on retirement.

6. Vacancies on Board

(1) Every vacancy on the Board shall be notified at once to the appointing authority as the case requires.

(2) Any Governor who is absent from all meetings of the Board during a period of two years, or who is incapacitated from acting, or who is adjudicated a bankrupt, or who communicates in writing to the Board a wish to resign, shall thereupon cease to be a Governor.

(3) Every Governor shall have the right to appoint an alternate with full powers to act, vote and speak in his place at any meeting which he is himself unable to attend.

7. Interest in property

Except in special circumstances, with the approval in writing of the Minister, no Governor shall acquire or hold any interest in any property belonging to the Polytechnic, or receive any remuneration, or be interested in, any contract in which the Polytechnic is concerned.

8. Governor not personally liable.

No Governor shall be subject to any personal liability in respect of any matter or thing done or omitted or any contract entered into by or on behalf of the Board.

9. Meetings and procedure

(1) The Board shall hold an ordinary meeting at least once in each year; a special meeting may be summoned by the Chairman or shall be summoned by the Chairman, at the written request of any three Governors; and two clear weeks notice shall be given to the other Governors of any meeting and of the matters to be discussed thereat.

(2) There shall be a quorum when eight Governors are present at a meeting, and every matter shall be determined by a majority of the Governors present and voting thereon.

(3) In the absence of the Chairman from any meeting the members shall elect one of their number to be Chairman of that meeting.

(4) The Chairman shall have a casting vote only.

(5) Any meeting may be adjourned by resolution and if a sufficient number of Governors to form a quorum is not present the meeting shall stand adjourned *sine die*.

[Subsidiary]

(6) Any resolution of the Board may be rescinded or varied at a subsequent meeting if due notice has been given to all the governors.

(7) The Board may invite persons who are not members of the Board to attend any meeting thereof, but no such person shall be entitled to vote on any matter, or, except so far as the Chairman shall allow, to take part in the proceedings.

(8) All documents made by the Board shall be executed, and all decisions of the Board shall be signified, under the hand of the Chairman or of any member or officer of the Board authorized in that behalf.

10. Certain member may appoint representatives

The following persons may appoint representatives who shall have a right to attend meetings of the Board and to speak thereat but shall not have the right to vote—

The Minister;

The Minister responsible for works;

The Minister responsible for labour;

The Minister responsible for Commerce and Industry;

The Director of Personnel.

PART III – COMMITTEE AND PANELS**11. Executive committee**

(1) The Board may establish an Executive Committee, in which may be vested any of the powers and functions of the Board with respect to the Polytechnic, other than the power to appoint a Principal and the power to approve estimates of expenditure.

(2) The Executive Committee may consider any matter, other than a matter vested in the Executive Committee under subparagraph (1), for the purpose of submitting a report, with recommendations, to the next subsequent meeting of the Board.

(3) The proceedings of any meeting of the Executive Committee shall be reported to the Board at the next subsequent meeting of the Board.

(4) The Executive Committee shall consist of not less than four and not more than six members, who shall be appointed by the Board from among the members of the Board.

(5) The Chairman of the Board shall be a member of the Executive Committee *ex officio*.

(6) The Executive Committee shall appoint its own chairman and establish its own rules of procedure.

(7) The members of the Executive Committee shall be appointed annually and members shall be eligible for re-appointment on retirement.

12. Other committees

Without prejudice to the provisions of paragraph 11, the Board may from time to time appoint any Committee for any special purpose connected with the Polytechnic and may vest in that Committee such powers, other than the power to appoint a Principal and the power to approve estimates of expenditure, and functions and impose on it such rules of procedure as the Board may decide and the members of such committee may include, but shall not exclusively consist of, persons who are not governors:

Provided that the Chairman of the Board shall be a member of any such committee *ex officio*.

13. Advisory panels

(1) The Board may appoint such Advisory Panels as it may consider necessary for the good organization and development of the work of the Polytechnic.

(2) The function of an Advisory Panel shall be to advise the principal on the organization of courses in a Department of the Polytechnic; on the examinations for which students in the Department should be entered; on the requirements of industry and commerce both as regards the numbers of students and the character of training; on arrangements for industrial or commercial experience during training; and on any other matter relating to the Department.

(3) The Chairman of an Advisory Panel shall be appointed by the Board and may be a Governor appointed in accordance with paragraph 4(1)(b).

(4) The members of an Advisory Panel, other than the Chairman, shall be appointed by the Board from among persons with relevant experience of industry and commerce or of industrial or commercial education, and may include Governors.

(5) The rules of procedure of an Advisory Panel shall be made by the panel.

PART IV – FUNCTIONS OF THE BOARD**14. Government of Polytechnic**

The Polytechnic shall be governed by the Board in accordance with the provisions of the Education Act (Cap. 211) and any rules and regulations made there under, any Act relating to the employment of teachers and this Order.

15. Principal and staff

(1) The Board shall appoint, with the approval of the Minister, a principal of the Polytechnic.

(2) The Board shall appoint, after taking into consideration the advice of the principal, a suitable teaching and non-teaching staff.

(3) The power of the Board to appoint staff shall include the power to appoint persons seconded to the service of the Board by the Government of Kenya.

(4) Every teacher shall be employed in accordance with terms of service approved by the Minister.

(5) The Board may, by resolution passed by not less than two-thirds of the Governors present and voting at a special meeting convened for the purpose, request the Minister to terminate the secondment of any person seconded to the service of the Board in accordance with sub-paragraph (3).

(6) No proposal to dismiss a person employed by the Board, or to terminate his contract, or to request the Minister to terminate the secondment of a person seconded to the service of the Board, on grounds of misconduct or grave professional default, shall be decided until the person has been given an opportunity to appear in person before the Board and the person so appearing may be accompanied by a friend.

16. Organization and curriculum

(1) Subject to the provisions of paragraph 14 and to the Minister's power to determine the general educational character of the Polytechnic and its place in the educational system of Kenya, the Board shall have the general direction of the conduct and curriculum of the Polytechnic:

[Subsidiary]

Provided that nothing done or resolved by the Board at any meeting thereof shall be held to be validly done or resolved if or to the extent that it contravenes the terms of any agreement entered into by the Government of Kenya with respect to the Polytechnic in force at the time of such meeting.

(2) All proposals and reports affecting the policy and curriculum of the Polytechnic shall be submitted formally to the Board, and the Minister shall be furnished with a copy thereof at least fourteen days before such proposals and reports are considered by the Board.

(3) Subject to the provisions of this Order, the principal shall control the internal organization, management and discipline of the Polytechnic, shall exercise supervision over the teaching and non-teaching staff, and shall be personally responsible to the Board for fostering and maintaining high standards of conduct and endeavour among the staff and students of the Polytechnic.

(4) There shall be full consultation at all times between the Principal and the Chairman of the Board and between the Principal and the Chief Officer of the Ministry concerned with Technical Education.

(5) The principal shall make such arrangements as may be adequate and suitable for consultation with the staff at meetings held for this purpose at appropriate intervals and otherwise.

17. Admission and exclusion of students

(1) Subject to the provisions of the Act and any rules and regulations made thereunder, the Board shall regulate the admission and exclusion of students.

(2) No student shall be refused admission or excluded on other than reasonable grounds.

(3) The principal may perform any of the functions under this paragraph subject to such conditions and directions as the Board may deem fit.

(4) The exclusion of any student shall be reported to the Minister.

18. Suspension of students

(1) The principal shall have power to suspend any student from attendance at the Polytechnic for any cause which he considers adequate and for a period not exceeding thirty days.

(2) Before the expiry of any period of suspension, the matter shall be reported by the Principal to the Board or to any Committee in which the powers of the Board in respect of the exclusion of students have been vested in accordance with 11 or 12 of this Order.

19. Finance

(1) The Board shall prepare annual estimates of revenue and expenditure, in such form and at such time as the Minister shall prescribe, for submission to the Minister.

(2) The Board may incur expenditure for the purpose of the Polytechnic in accordance with estimates which have been approved by the Minister:

Provided that the approved expenditure under any head of the estimates may not be exceeded without the prior approval of the Minister in writing.

(3) The Board shall receive all fees payable by or in respect of students, all grants made out of public funds, whether for capital or revenue purposes, and any subscriptions, donations or bequests made to the Polytechnic.

[Subsidiary]

(4) Nothing in this Order shall affect the terms and conditions upon which any grant may be made to the Board in aid of the Polytechnic out of public funds.

(5) The Board may, with the approval of the Minister and subject to any restriction imposed by law, appeal to the general public for subscriptions, donations or bequests for the benefit of the Polytechnic.

(6) The principal shall control the day to day expenditure connected with the running of the Polytechnic, and shall present an account of such expenditure to the Board as and when it may direct.

(7) The Board shall pay all expenses connected with the Polytechnic, including the salaries of the principal and teaching and non-teaching staff:

Provided that the personal emoluments of persons seconded to the service of the Board in accordance with paragraph 15(3) shall, in the first instance, be paid by the Ministry and may, at the discretion of the Minister, be recovered from the Board.

(8) Any unexpended balance of grant may be carried forward in the accounts of the Polytechnic from one calendar year to the next and the Board may make proposals for the final disposal of such unexpended balance, which shall be at the discretion of the Minister, who may take such balances into account when assessing the following year's grant.

(9) The Board shall, subject to any matter prescribed under section 70 of the Education Act (Cap. 211), or to the approval of the Minister, determine the scales of fees and hostel charges payable by or in respect of students at the Polytechnic and prescribe the conditions under which fees may be remitted in whole or in part.

(10) The Board may, with the approval of the Minister, provide bursaries or scholarships to assist in the education, maintenance or transport of students who are undergoing courses of instruction at the Polytechnic and prescribe the conditions under which such bursaries or scholarships may be granted or withdrawn.

(11) The Board shall furnish the Minister with a certified copy of the audited annual statement of accounts and such other information about the revenue, expenditure, assets and liabilities of the Polytechnic as he may from time to time require.

(12) The Board shall be responsible for making arrangements to raise any loan which the Minister may, at the request of the Board, authorize the Board to raise for the purposes of the Polytechnic and shall ensure that proper provision is made for the repayment thereof and payment of all interest and other charges thereon in accordance with any order made by the Minister in the matter.

PART V – PROPERTY OF THE BOARD

20. Vesting of property of Board

(1) All such immovable property, shares, funds and securities as may from time to time become the property of the Board shall be in the name of the Board of Governors of the Kenya Polytechnic and shall be dealt with in such manner as the Board may from time to time determine, subject to the conditions upon which any grants are made from public funds for capital or recurrent purposes and the conditions upon which any endowment, bequest or donation is made for any purpose connected with the Polytechnic.

(2) *Custody of common seal.*—The common seal of the Board shall be in the custody of the secretary of the Board and shall be signified by the Chairman of the Board or such other Governor as the Board may by resolution appoint and by any one other governor.

[Subsidiary]

PART VI – GENERAL

21. Determination of questions

Any question arising as to the construction of this Order or as to the regularity or validity of any act done or about to be done hereunder shall be determined conclusively by the Minister upon application made to him for that purpose.

MOMBASA POLYTECHNIC (BOARD OF GOVERNORS) ORDER, 1967

ARRANGEMENT OF ORDERS

PART I – PRELIMINARY

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2. Interpretation.

PART II – BOARD OF GOVERNORS

3. Establishment of Board of Governors as body corporate.
4. Membership of Board of Governors.
5. Tenure of office of Governors.
6. Vacancies on Board.
7. Interest in property.
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- 10.

PART III – COMMITTEES AND PANELS

11. Executive Committee.
12. Other committees.
13. Advisory Panels.

PART IV – FUNCTIONS OF THE BOARD

14. Government of Polytechnic.
15. Principal and staff.
16. Organization and curriculum.
17. Admission and exclusion of students.
18. Suspension of students.
19. Finance.
20. Vesting of property of Board.

PART V – GENERAL

21. Determination of questions.
 22. Revocation of Cap. 211 (Sub. Leg.).
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[Subsidiary]

MOMBASA POLYTECHNIC (BOARD OF GOVERNORS) ORDER, 1967

[L.N. 84/1967, L.N. 36/1972.]

PART I – PRELIMINARY

1. Citation

This Order may be cited as the Mombasa Polytechnic (Board of Governors) Order, 1967.

[L.N. 36/1972, o. 2.]

2. Interpretation

In this Order, except where the context otherwise requires—

“**Board**” means the Board of Governors of the Mombasa Polytechnic;

“**governor**” means a member of the Board;

“**Polytechnic**” means the Mombasa Polytechnic situated in Mombasa and includes any hostel of the Polytechnic;

“**principal**” means the Principal of the Polytechnic;

“**staff**” means the staff of the Polytechnic;

“**student**” means any student of the Polytechnic.

[L.N. 36/1972, o. 3.]

PART II – BOARD OF GOVERNORS

3. Establishment of Board of Governors as body corporate

There is hereby established a board of governors to be known as the Board of Governors of the Mombasa Polytechnic which is hereby declared to be a body corporate in the name of the Board and shall have perpetual succession and a common seal and may in its corporate name sue and be sued.

[L.N. 36/1972, o. 4.]

4. Membership of Board of Governors

(1) The Board shall consist of the following members—

- (a) a Chairman appointed by the Minister;
- (b) two persons appointed by the Minister to represent the Muslim Community of the Coast Province;
- (c) one person appointed by the Minister nominated by each of the following bodies and—

The East African Railways and Harbours administration;

The East African Power and Lighting Company Limited;

The Bamburi Portland Cement Company Limited;

The East African Oil Refineries;

The Kenya National Chamber of Commerce and Industry;

The Central Organization of Trade Unions (Kenya);

The Municipal Council of Mombasa;

[Subsidiary]

- (d) any person who is the Chairman of an Advisory Panel set up under paragraph 13 of this Order, unless he is already a Governor by virtue of subparagraph (c) of this paragraph;
- (e) a person appointed by the Minister to represent secondary schools in Kenya;
- (f) not more than three persons co-opted by the Board.

(2) The Board shall appoint a paid or unpaid secretary who may, but need not, be a member of the Board.

(3) Neither the principal nor any member of the staff of the Polytechnic may be a member of the Board, but the principal shall submit items of business for discussion by the Board and attend the meetings of the Board, except when the Board shall otherwise determine, but shall not be entitled to vote.

5. Tenure of office of Governors

Governors shall hold office for a period of three years and shall be eligible for re-appointment:

Provided that the Board may make provision for the rotational retirement of a numbers of its members at the end of each calendar year. Governors shall be eligible for re-appointment on retirement.

6. Vacancies on Board

(1) Every vacancy on the Board shall be notified at once to the appointing authority as the case requires.

(2) Any Governor who is absent from all meetings of the Board during a period of one year, or who is incapacitated from acting, or who is adjudicated a bankrupt, or who communicates in writing to the Board a wish to resign, shall thereupon cease to be a Governor.

7. Interest in property

Except in special circumstances, with the approval in writing of the Minister, no Governor shall acquire or hold any interest in any property belonging to the Polytechnic, or receive any remuneration from, or be interested in, any contract in which the Polytechnic is concerned.

8. Governor not personally liable

No governor shall be subject to any personal liability in respect of any matter or thing done or omitted or any contract entered into by or on behalf of the Board.

9. Meetings and procedure

(1) The Board shall hold an ordinary meeting at least twice in each year; a special meeting may be summoned by the Chairman, or shall be summoned by the Chairman at the written request of any three Governors; and two clear weeks' notice shall be given to the other Governors of any meeting and of the matters to be discussed thereat.

(2) A quorum at any meeting of the Board shall be one half of the members of the Board and, except as provided in paragraph 15(6) hereof, every matter shall be determined by a majority of the Governors present and voting thereon.

(3) In the absence of the Chairman from any meeting the members shall elect one of their number to be Chairman of that meeting.

(4) The chairman shall have a casting vote only.

[Subsidiary]

(5) Any meeting may be adjourned by resolution and if a sufficient number of Governors to form a quorum is not present the meeting shall stand adjourned *sine die*.

(6) Any resolution of the Board may be rescinded or varied at a subsequent meeting if due notice has been given to all the Governors.

(7) The Board may invite persons who are not members of the Board to attend any meeting thereof, but no such person shall be entitled to vote on any matter, or except so far as the Chairman shall allow, to take part in the proceedings.

(8) Subject to paragraph 20(2), all documents made by the Board shall be executed, and all decisions of the Board shall be signified, under the hand of the Chairman or of any member or officer of the Board authorized in that behalf.

10. The following persons may appoint representatives who shall have a right to attend meetings of the Board and to speak thereat but shall not have the right to vote—

The Minister;

The Minister responsible for Works;

The Minister responsible for Labour;

The Minister responsible for Commerce and Industry;

The Director of Personnel.

PART III – COMMITTEES AND PANELS

11. Executive Committee

(1) The Board may establish an Executive Committee in which may be vested any of the powers and functions of the Board with respect to the Polytechnic other than the power to appoint a Principal and the power to approve estimates of expenditure.

(2) The Executive Committee may consider any matter, other than a matter vested in the Executive Committee under paragraph (1) of this paragraph, for the purpose of submitting a report, with recommendations, to the next subsequent meeting of the Board.

(3) The proceedings of any meeting of the Executive Committee shall be reported to the Board at the next subsequent meeting of the Board.

(4) The Executive Committee shall consist of not less than four and not more than six members, who shall be appointed by the Board from among the members of the Board.

(5) The Chairman of the Board shall be a member of the Executive Committee *ex officio*.

(6) The Executive Committee shall appoint its own Chairman and establish its own rules of procedure.

(7) The members of the Executive Committee shall be appointed annually and members shall be eligible for re-appointment on retirement.

12. Other committees

Without prejudice to the provisions of paragraph 11 of this Order, the Board may from time to time appoint any Committee for any special purpose connected with the Polytechnic and may vest in such Committee such powers, other than the power to

[Subsidiary]

appoint a Principal and the power to approve estimates of expenditure, and functions and impose on it such rules of procedure as the Board may decide and the members of that committee may include, but shall not exclusively consist of, persons who are not governors:

Provided that the Chairman of the Board shall be a member of any such committee *ex officio*.

13. Advisory Panels

(1) The Board may appoint such Advisory Panels as it may consider necessary for the good organization and development of the work of the Polytechnic.

(2) The function of an Advisory Panel shall be to advise the Principal on the organization of courses in a department or section of the Polytechnic; on the examinations for which students in such Department or section should be entered; on the requirements of industry and commerce both as regards the numbers of students and the character of training; on arrangements for industrial or commercial experience during training and on any other matter relating to such department or section.

(3) The Chairman of an Advisory Panel shall be appointed by the Board and may be a Governor appointed in accordance with paragraph 4(1)(c).

(4) The members of an Advisory Panel, other than the Chairman, shall be appointed by the Board from among persons with relevant experience of industry and commerce or of industrial or commercial education and may include Governors.

(5) The rules of procedure of an Advisory Panel shall be made by the Panel.

PART IV – FUNCTIONS OF THE BOARD

14. Government of Polytechnic

The Polytechnic shall be governed by the Board in accordance with the provisions of the Education Act (Cap. 211) and any rules and regulations made thereunder, any Act relating to the employment of teachers and this Order.

15. Principal and staff

(1) The Board shall appoint a Principal of the Polytechnic.

(2) The Board shall appoint, after taking into consideration the advice of the Principal, a suitable teaching and non-teaching staff.

(3) The power of the Board to appoint staff shall include the power to appoint persons seconded to the service of the Board by the Government of Kenya or by any other employer.

(4) Every teacher shall be employed in accordance with terms of service approved by the Minister.

(5) The appointment and dismissal of the Principal or of any member of the teaching staff of the Polytechnic shall be subject to the approval of the Minister.

(6) The Board may, by resolution passed by not less than two-thirds of the Governors present and voting at a special meeting convened for the purpose, request the Minister or any other employer, as the case may be, to terminate the secondment of any person seconded to the service of the Board in accordance with subparagraph (3).

(7) No proposal to dismiss a person employed by the Board, or to terminate his contract, or to request the Minister or any other employer to terminate the secondment of

[Subsidiary]

a person seconded to the service of the Board, on grounds of misconduct or grave professional default, shall be decided until the person has been given an opportunity to appear in person before the Board and the person so appearing may be accompanied by a friend.

16. Organization and curriculum

(1) Subject to the provisions of paragraph 14 and the Minister's power to determine the general educational character of the Polytechnic and its place in the educational system of Kenya, the Board shall have the general direction of the conduct and curriculum of the Polytechnic:

Provided that nothing done or resolved by the Board at any meeting thereof shall be held to be validly done or resolved if or to the extent that it contravenes the terms of any agreement entered into by the Government with respect to the Polytechnic in force at the time of such meeting.

(2) All proposals and reports affecting the policy and curriculum of the Polytechnic shall be submitted formally to the Board and the Minister shall be furnished with a copy thereof at least fourteen days before the proposals and reports are considered by the Board.

(3) Subject to the provisions of this Order, the Principal shall control the internal organization, management and discipline of the Polytechnic, shall exercise supervision over the teaching and non-teaching staff, and shall be personally responsible to the Board for fostering and maintaining high standards of conduct and endeavour among the staff and students of the Polytechnic.

(4) There shall be full consultation at all times between the Principal and the Chairman of the Board and between the Principal and the Chief Officer of the Ministry concerned with Technical Education.

17. Admission and exclusion of students

(1) Subject to the provisions of the Act and any rules and regulations made thereunder, the Board shall regulate the admission and exclusion of students.

(2) No student shall be refused admission or excluded on other than reasonable grounds.

(3) The Principal may perform any of the functions under this paragraph subject to such conditions and directions as the Board may deem fit.

(4) The exclusion of any student shall be reported to the Minister.

18. Suspension of students

(1) The Principal shall have power to suspend any student from attendance at the Polytechnic for any cause which he considers adequate and for a period not exceeding thirty days.

(2) Before the expiry of any period of suspension, the matter shall be reported by the Principal to the Board or to any Committee in which the powers of the Board in respect of the exclusion of students have been vested in accordance with paragraph 11 or 12.

19. Finance

(1) The Board shall prepare annual estimates of revenue and expenditure, in such form and at such time as the Minister shall prescribe, for submission to the Minister.

(2) The Board may incur expenditure for the purposes of the Polytechnic in accordance with estimates which have been approved by the Minister:

[Subsidiary]

Provided that the approved expenditure under any head of the estimates may not be exceeded without the prior approval of the Minister in writing.

(3) The Board shall receive all fees payable by or in respect of students, all grants made out of public funds, whether for capital or revenue purposes, and any subscriptions, donations or bequests made to the Polytechnic.

(4) Nothing in this Order shall affect the terms and conditions upon which any grant may be made to the Board in aid of the Polytechnic out of public funds.

(5) The Board may, with the approval of the Minister and subject to any restriction imposed by law, appeal to the general public for subscriptions, donations or bequests for the benefit of the Polytechnic.

(6) The Principal shall control the day to day expenditure connected with the running of the Polytechnic and shall present an account of such expenditure to the Board as and when it may direct.

(7) The Board shall pay all expenses connected with the Polytechnic, including the salaries of the Principal and teaching and non-teaching staff:

Provided that the personal emoluments of any person seconded to the service of the Board by the Government of Kenya or by any other employer in accordance with paragraph 15(3), in the first instance, be paid by the Minister or by such other employer and may, at the discretion of the Ministry or such other employer, as the case may be, be recovered from the Board.

(8) Any unexpended balance of grant may be carried forward in the accounts of the Polytechnic from one calendar year to the next and the Board may make proposals for the final disposal of such unexpended balance, which shall be at the discretion of the Minister, who may take such balance into account when assessing the following year's grant.

(9) The Board shall, subject to any matter prescribed under section 70 of this Act, or to the approval of the Minister, determine the scales of fees and hostel charges payable by or in respect of students at the Polytechnic and prescribe the conditions under which fees may be remitted in whole or in part.

(10) The Board may, with the approval of the Minister, provide bursaries or scholarships to assist in the education, maintenance or transport of students who are undergoing courses of instruction at the Polytechnic and prescribe the conditions under which such bursaries or scholarships may be granted or withdrawn.

(11) The Board shall furnish the Minister with a certified copy of the audited annual statement of accounts and such other information about the revenue, expenditure, assets and liabilities of the Polytechnic as he may from time to time require.

(12) The Board shall be responsible for making arrangements to raise any loan which the Minister may, at the request of the Board, authorize the Board to raise for the purpose of the Polytechnic and shall ensure that proper provision is made for the repayment thereof and payment of all interest and other charges thereon in accordance with any order made by the Minister in the matter.

20. Vesting of property of Board

(1) All movable and immovable property, shares, funds and securities which are now the property of, and which may from time to time become the property of, or be provided for the purposes of, the Board shall be in the name of the Board of Governors of the Mombasa Polytechnic and shall be dealt with in such manner as the Board may from time to time determine, subject to the conditions upon which any grants are made from public funds for capital or recurrent purposes and the conditions upon which any endowment, bequest or donation is made for any purpose connected with the Polytechnic.

[Subsidiary]

(2) *Custody of common seal.*—The common seal of the Board shall be in the custody of the secretary of the Board and shall be signified by the Chairman of the Board or such other Governor as the Board may by resolution appoint and by any one other governor.

[L.N. 36/1972, o. 5.]

PART V – GENERAL**21. Determination of questions**

Any question arising as to the construction of this Order or as to the regularity or validity of any act done or about to be done hereunder shall be determined conclusively by the Minister upon application made to him for that purpose.

22. Revocation of Cap. 211 (Sub. Leg.)

The Education (Board of governors for the Mombasa Institute of Muslim Education) Order is hereby revoked.

EDUCATION (EDUCATION STANDARDS) REGULATIONS, 1968

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
2. Staffing standards.
3. Size of classes.
4. Efficient unaided schools.
5. Curriculum, syllabuses and books.
- 6.
7. General requirements.
8. Examination.
9. Certificates.
10. Duration of school year.

SCHEDULES

- FIRST SCHEDULE – STANDARD TEACHING ESTABLISHMENT IN
SECONDARY SCHOOLS
- SECOND SCHEDULE – STANDARDS TO BE ATTAINED BY SCHOOLS
DESIGNATED AS EFFICIENT
-

[Subsidiary]

EDUCATION (EDUCATION STANDARDS) REGULATIONS, 1968

[L.N. 106/1968.]

REGULATIONS UNDER SECTION 19

1. Citation

These Regulations may be cited as the Education (Education Standards) Regulations, 1968.

2. Staffing standards

(1) In any primary school the normal teaching establishment shall be one teacher for each class excluding the headmaster.

(2) In any secondary school, the normal teaching establishment shall be as set out in the First Schedule.

(3) In any training college for teachers, the normal teaching establishment shall be one and a half teachers for each class, excluding the Principal:

Provided that any fraction of teachers arising out this paragraph shall be calculated to the nearest whole number.

(4) For the purpose of this Regulation, the normal teaching establishment shall be the minimum teaching establishment, except with the approval of the Minister, in relation to any particular school.

3. Size of classes

(1) Unless the Minister otherwise prescribes generally or in relation to any school, no class in any primary school shall exceed 50 pupils, no class in any secondary school Forms I-IV shall exceed 40 pupils, no class in any secondary school Forms V-VI shall exceed 30 pupils and no class in any teachers' college or in any intermediate college shall exceed 30 students.

(2) The Minister may prescribe, generally or in relation to any school, the maximum size of any class in any technical college, any commercial college, or any continuation school.

4. Efficient unaided schools

(1) The Minister may from time to time publish in the *Gazette* the name of any unaided school which he is prepared to designate as efficient.

(2) The standards to be attained by a school designated as efficient are those shown in the Second Schedule.

5. Curriculum, syllabuses and books

The curriculum of a school, the syllabuses used in any school and the books or other teaching aids used in connexion with such syllabuses shall be such as the Minister is willing to approve; but in a sponsored school syllabuses, books and other teaching aids used for religious education shall be those prepared or recommended by the sponsor and approved by the Minister.

6. Where a sponsor has been appointed in respect of a school in accordance with section 8(1) of the Act, the Headmaster shall grant every reasonable request by the sponsor to satisfy himself that religious instruction is conducted in accordance with the syllabuses prepared or recommended by the sponsor and approved by the Minister.

7. General requirements

The manager of any school shall—

- (a) keep a record, in such form as may be prescribed, of the teachers employed at the school, showing their qualifications;
- (b) ensure that the headmaster keeps a register of enrolment of pupils and a register of their daily attendance at the school; and
- (c) furnish the Minister with such returns as he may from time to time require.

8. Examination

No pupil at a maintained or assisted school may be entered by such school for any public examination other than a public examination approved by the Minister.

9. Certificates

School Leaving Certificates issued by maintained or assisted schools shall be in a form approved by the Minister.

10. Duration of school year

(1) The approved curriculum shall be followed in each year at any maintained or assisted primary or secondary school for 195 days and at any maintained training college for 175 days.

(2) Time during the normal school day used for special religious observance shall be made good by a corresponding addition to the number of days on which the approved curriculum is followed.

FIRST SCHEDULE

[Regulation 2(2).]

STANDARD TEACHING ESTABLISHMENT IN SECONDARY SCHOOLS

<i>Size of School</i>	<i>Normal Teaching Establishment (Boarding or day)</i>
<i>Forms I—IV</i>	
1 stream	6
2 stream	11
3 stream	17
4 stream	22
5 stream	28
<i>Forms V—VI</i>	
1 stream	3
2 stream	6
3 stream	9
4 stream	12

For incomplete streams the standard teaching establishment will be calculated proportionately to the nearest whole number of teachers.

[Subsidiary]

SECOND SCHEDULE

[Regulation 4(2).]

STANDARDS TO BE ATTAINED BY SCHOOLS DESIGNATED AS EFFICIENT

1. The staff must be well and appropriately qualified and adequate in numbers. In the case of secondary schools, a substantial proportion must be university graduates. Persons teaching technical or commercial subjects must be in possession of adequate qualifications of a technical or commercial character of an adequate standard.
 2. The buildings and playing fields must be suitable, adequate and well maintained.
 3. The curriculum must be appropriate to the purposes of the school and, in the case of a secondary school, must ensure a broad, general education irrespective of examination requirements.
 4. The equipment must be suitable and sufficient, having regard for the subject taught and the activities provided at the school.
 5. The education given must be of a good standard, having regard for the purposes of the school, and in the case of a secondary school it must not only assure a reasonable chance of success in examinations, but also conduce to the general development of pupils.
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PERSONS AUTHORISED TO ISSUE CERTIFICATES

UNDER SECTION 21(B)

[L.N. 161/1969, L.N. 375/2002.]

Kianda College.

The Kenya Institute of Management

EDUCATION (REGISTRATION OF UNAIDED SCHOOLS) REGULATIONS, 1969

[L.N. 201/1969, L.N. 28/1981, L.N. 30/1990, L.N. 87/2006.]

REGULATIONS UNDER SECTION 17

1. These Regulations may be cited as the Education (Registration of Unaided Schools) Regulations, 1969.

2. (1) *Deleted by L.N.87/2006, s. 2.*

(2) Any person desirous of establishing an unaided school shall first make application to the Minister in the form set out in the Second Schedule to these Regulations for the school to be registered.

(3) A fee of five hundred shillings shall accompany every application made in accordance with paragraph (2) of these Regulations.

[L.N. 28/1981, r. 2, L.N. 30/1990, r. 2, L.N. 87/2006, r. 2.]

3. (1) When the Minister has caused an unaided school to be provisionally registered in accordance with section 15(1) of the Act, the manager of the school shall be notified accordingly.

(2) If, at the end of one year from the provisional registration of an unaided school the Minister is of the opinion that the school should be registered in accordance with section 15(2) of the Act, he shall cause the school to be registered and issue a certificate of registration in the form set out in the Third Schedule.

4. The manager of any unaided school which is provisionally registered or registered shall furnish the Minister with such particulars, information, documents or returns as the Minister may from time to time require.

5. The following particulars with respect to an unaided school shall be included in the register established and maintained under section 13 of the Act—

- (a) name of school;
- (b) situation of school: province, county or municipality, location or plot number;
- (c) classification of school;
- (d) highest class permitted;
- (e) maximum number of pupils permitted;
- (f) name and address of manager;
- (g) date of registration; and
- (h) registration number.

6. The Education (Registration of Schools) Regulations (Cap. 211, Sub. Leg.) are hereby revoked.

FIRST SCHEDULE

[Regulation 2(1).]

Deleted by L.N. 87/2006, r. 3

Education

[Subsidiary]

SECOND SCHEDULE

[Regulation 2(2).]

APPLICATION FOR THE REGISTRATION OF AN UNAIDED SCHOOL

Part I – To be completed by the Applicant and forwarded to the County/Municipal Education Officer

- 1. Name of manager
- 2. Address of manager
- 3. Proposed name of school
- 4. Situation of proposed school
 - Province
 - County or Municipality
 - Location (where applicable)
 - Plot Number (if any)
- 5. Proposed classification of school
- 6. Details of classes proposed to be provided
- 7. Number of streams per class
- 8. Maximum number of pupils to be accommodated
- 9. (In case of re-registration of existing schoolS)—
 - (a) Address of school
 - (b) Existing registration number
- 10. Nature of buildings—
 - (a) Existing
 - (b) Proposed
- 11. Declaration by manager—

I hereby declare that I have read the Education (Education Standards) Regulations, 1968 (L.N. 106/1968, Sub. Leg.), and that the school will be conducted in accordance with its provisions.

I also understand that it is an offence punishable at law to establish, manage, maintain or conduct an unaided school, which has not been registered in accordance with Part IV of the Education Act, 1968 (No. 5 of 1968).

Date Signed

Part II – To be completed by the Local Authority

- 12. Date of meeting when application was discussed.....
- 13. Recommended/Not recommended. Min. Ref. No.

Date Signed

Clerk

County/Municipal Council

Part III – To be completed by County/Municipal Education Officer

- 14. Comments of County/Municipal Education Officer
-
-

SECOND SCHEDULE—continued

.....
.....

Date Signed

Part IV – To be completed by Provincial Education Officer

15. Comments of Provincial Education Officer

.....
.....

Recommended/Not recommended for Registration.

Date Signed

Provincial Education Officer

.....
Province

Minister for Education's decision

.....
.....

Registration Certificate issued on

..... No

THIRD SCHEDULE

[Regulation 3(2).]

CERTIFICATE OF REGISTRATION OF AN UNAIDED SCHOOL

IT IS HEREBY certified that (here insert the name of the school)

..... has

been entered in the Register of Unaided Schools. The particulars appearing in the Register are as follows—

Name of school

Classification of school

Situation of school

.....

Highest class permitted

Maximum number of pupils in attendance

Name of manager

Address of manager

Date of registration

Registration number

.....
*for Permanent Secretary
Ministry of Education*

NOTES—1. This certificate is the property of the Ministry and must be returned to the Ministry on demand.

2. If it is proposed that any of the particulars in this certificate should be changed, a new application for registration must be made.

EDUCATION (BOARD OF GOVERNORS) ORDER, 1969

ARRANGEMENT OF ORDERS

Order

1. Citation and commencement.
2. Interpretation.
3. Establishment of Boards of Governors.
4. Constitution of Boards of Governors.
5. Tenure of office of Governors.
6. Members of staff debarred as Governors.
7. Presence of principal at meetings.
8. Vacancies on Boards.
9. Interest in property.
10. Governor not personally liable.
11. Representatives of the Minister and the Kenya Institute of Education may attend meetings.
12. Custody of Common Seal of Board, and vesting of property of Board.
13. Vesting of property and securities of non-corporate bodies in trustees.
14. Manner of dealing with property of schools.
15. A board to govern according to certain Laws.
16. Transfer of assets and liabilities.
17. Trade unions to be recognised by board.
18. Determination of questions.
19. Revocation of L.N. 353/1964.

SCHEDULES

FIRST SCHEDULE

SECOND SCHEDULE

[Subsidiary]

EDUCATION (BOARD OF GOVERNORS) ORDER, 1969

[L.N. 17/1969, L.N. 160/1969, L.N. 82/1970, L.N. 206/1973, L.N. 34/1977, L.N. 137/1980, L.N. 122/1981, L.N. 21/1982, L.N. 45/1983, L.N. 211/1986, L.N. 263/1993.]

ORDERS UNDER SECTION 10(1)**1. Citation and commencement**

This Order may be cited as the Education (Board of Governors) Order, 1969 and shall be deemed to have commenced on the 4th April, 1968.

2. Interpretation

In this Order, except where the context otherwise requires—

“**Governor**” means a member of a Board of Governors established under paragraph 3;

“**voluntary body**” means a body other than the Government, the East African Authority or the Community, local authority, or any department or undertaking of those bodies.

3. Establishment of Boards of Governors

(1) There is hereby established a Board of Governors for each of the schools or groups of schools specified in the Schedules to this Order.

(2) The schools or groups of schools specified in the First Schedule to this Order are schools or groups of schools other than schools for the establishment of which a voluntary body was responsible.

(3) The schools or groups of schools specified in the Second Schedule to this Order are schools or groups of schools for the establishment of which a voluntary body was responsible.

4. Constitution of Boards of Governors

(1) In the case of schools or groups of schools specified in the First Schedule to this Order, the Board shall consist of the following members—

- (a) a chairman appointed by the Minister;
- (b) three persons representing the community served by the school, appointed by the Minister;
- (c) four persons representing bodies or organizations that, in the opinion of the Minister, should be represented on the Board appointed by the Minister;
- (d) not more than three other persons as the Minister may consider necessary, after consultation with the Board, having regard to any special circumstances applicable to the school appointed by the Minister;
- (e) not more than three persons co-opted by the board.

(2) In the case of schools or groups of schools specified in the Second Schedule to this Order, the Board shall consist of the following members—

- (a) a chairman appointed by the Minister in consultation with the voluntary body;
- (b) three persons representing the community served by the school, appointed by the Minister;
- (c) four persons appointed by the voluntary body representing bodies or organizations that, in the opinion of the voluntary body, in agreement with the Minister, should be represented on the board;

[Subsidiary]

- (d) not more than three other persons as the Minister may consider necessary, after consultation with the Board, having regard to any special circumstances applicable to the school appointed by the Minister;
- (e) not more than three persons co-opted by the board.

(3) In the absence of the chairman from any meeting, the members present shall elect one of their number to be chairman for that meeting only.

5. Tenure of office of Governors

Governors shall hold office for a period of three years and shall be eligible for re-appointment.

Provided that the board may make provision for the rotational retirement of a number of its members at the end of each calendar year.

6. Members of staff debarred as Governors

No member of the staff of a school or group of schools specified in the Schedules to this Order may be a Governor of that school or group of schools.

7. Presence of principal at meetings

The headmaster or Principal of a school or group of schools specified in the Schedules to this Order shall normally be present at meetings of the board of that school or group of schools.

8. Vacancies on Boards

(1) Any vacancy caused by the resignation or death of a Governor shall be filled forthwith by the person responsible for such and any Governor so appointed shall hold office for the remaining period of office of the Governor who has resigned or died.

(2) Any Governor who is absent from all meetings of the Board during a period of one year or who is adjudicated bankrupt shall be required to resign from the Board.

(3) Any Governor shall have the right to appoint an alternate with full powers to act, vote and speak in his place at any meeting which he is himself unable to attend.

9. Interest in property

(1) Except in special circumstances, with the approval in writing of the Minister, no Governor shall take or hold any interest in any property belonging to the school or group of schools of which he is Governor otherwise than as a trustee for the purposes thereof, or receive any remuneration or be interested in any contract in which such school or group of schools is concerned.

(2) The income of the school shall be applied to promoting the objects of the school and no dividend shall be paid therefrom in any circumstances.

10. Governor not personally liable

(1) No Governor shall be subject to any personal liability in respect of any matter or thing done or omitted or any contract entered into by or on behalf of the board of which he is a Governor, or by or on behalf of any school or group of schools administered by that board.

(2) All claims in contract or in tort against the Board or any school or group of schools administered by the Board shall be reported immediately to the Minister, who shall advise the Board in respect of such claims.

[Subsidiary]

(3) Any costs, fees or payments arising out of or consequent upon any advice given by the Minister under subparagraph (2) of this paragraph shall be a charge on the recurrent funds of the school for the purpose of the maintenance of the school.

11. Representatives of the Minister and the Kenya Institute of Education may attend meetings

The Minister and, in the case of teachers colleges, the Kenya Institute of Education, may appoint a representative or representatives, who shall have the right to attend meetings of the Board and to speak thereat but shall not have the right to vote.

12. Custody of Common Seal of Board, and vesting of property of Board

(1) The common seal of all Boards which are corporate bodies shall be in the custody of the Secretary of the Board of the Governors and shall be signified by the chairman or such other Governor as the Board may by resolution appoint and any one other Governor.

(2) All movable and immovable property, shares, funds and securities, which are now the property of, or which may from time to time become the property of, or be provided for the purposes of, any Board to which this paragraph refers shall be in the name of the Board and shall be dealt with in such manner as the board may from time to time determine, subject to the conditions upon which any grants are made from public funds for capital or recurrent purposes and the conditions upon which any endowment or donation is made for any purpose connected with the school or group of schools.

13. Vesting of property and securities of non-corporate bodies in trustees

(1) All movable and immovable property, shares, funds and securities, which are now the property of, and which may from time to time become the property of, or be provided for the purpose of, any school or groups of schools governed by a Board which is not a corporate body shall—

- (a) in the case of a school or groups of schools specified in the First Schedule be vested in such trustee or trustees as the Minister may, after consultation with the board, appoint, or if the Minister thinks fit, be transferred to and shall by virtue of this paragraph and without further assurance, be vested in the Public Trustee (as custodian trustee) who may, in writing, authorize any persons appointed by the board to operate a deposit account; and
- (b) in the case of a school or groups of schools specified in the Second Schedule to this Order be vested in a trustee or trustees incorporated under any law for the time being in force in Kenya:

Provided that a board may retain on account at its immediate disposal such funds as are necessary for the day to day administration of the school or group of schools under its control.

(2) Suits by or against a board to which this paragraph refers, or any school or groups of schools administered by such a board, shall be entered into in the name of the chairman of the board on behalf of the members of the board.

[L.N. 160/1969, o. 2.]

14. Manner of dealing with property of schools

(1) Subject to the conditions upon which any grants are made from public funds for capital or recurrent purposes and any conditions upon which any endowment or donation is made for any purpose connected with the school or group of schools, the Public Trustee shall deal with any property transferred to him under paragraph 13 of this Order in accordance with the Public Trustee Act (Cap. 168) and any other trustee or trustees to whom this Order refers shall deal with the property for the time being vested in them and the rents and profits thereof in such manner as the board shall direct.

[Subsidiary]

(2) Where any item of movable property has been provided for the purpose of a school by the Government of Kenya, or purchased out of grants made to such school out of public funds, the Minister may after consultation with and with the concurrence of the Board of Governors of such school, direct that such item shall be transferred from such school to another school and such item shall thereupon cease to be the property of that school and become the property of the other school for the purpose of this Order.

15. A board to govern according to certain Laws

Every school or group of schools shall be governed by a Board in accordance with the provisions of the Act, the Teachers Service Commission Act, 1966 (Cap. 212), any rules and regulations made thereunder, and a Code of Management approved by the Minister:

Provided that a Code of Management approved by the Minister for any school or group of schools specified in the Second Schedule shall provide for the maintenance of the religious traditions of such school or group of schools.

16. Transfer of assets and liabilities

Where by or under the Order the former Board of Governors of any school is revoked and a new Board of Governors is established, all work authorized and all contracts, suits, actions and legal proceedings entered into and all rights, liabilities and engagements incurred by the former Board of Governors shall vest in, attach to and be enforced, carried on and prosecuted by or against the New Board of Governors and no suit, action or proceedings shall abate or be discontinued or prejudicially affected by the revocation of the former board of Governors.

17. Trade unions to be recognized by Board

A Board may enter into an agreement for recognition with any trade union competent to negotiate terms and conditions of service for and on behalf of any section of the employees of the Board, and the Board shall sign such agreement on its own behalf.

[L.N. 263/1993, o. 2.]

18. Determination of questions

Any question arising as to the construction of this Order or as to the regularity or validity of any act done or about to be done hereunder shall be determined conclusively by the Minister.

19. Revocation of L.N. 353/1964

The Education (Board of Governors) Order, 1964 is revoked.

FIRST SCHEDULE

[Paragraph 3(2), L.N. 82/1970, o. 2, L.N. 206/1973, o. 2, L.N.34/1977, o. 2, L.N. 137/1980, o. 2, L.N. 21/1982, o. 2, L.N. 45/1983, o. 2, L.N 211/1986, o. 2.]

Hola School for the Deaf
 Naivaisha Primary School
 Nakuru special school for the Mentality Handicapped
 Moi Forces Academy Primary School
 Kujja School for the Deaf
 Kissii School for the Mentally Handicapped
 Nairobi Girls' Secondary School.
 Dagoretti High School.

[Subsidiary]

Jamhuri High School.
Pangani Girls School.
Highway Secondary School.
Ngara Secondary School.
Eastleigh Secondary School.
Technical High School, Nairobi.
Shanzu Teachers' College.
Highridge Teachers' College.
Kabete Technical School.
Nakuru Secondary School.
Siriba Training College.
Kagumo College.
Machakos Teachers' College.
Kwale Secondary School.
Allidina Visram High School.
Coast Girls' High School.
Uasin Gishu Secondary School.
Menengai High School.
Wajir Secondary School.
Marsabit Secondary School.
Kisumu Girls' High School.
Kisumu Boys' High School.
Thika Technical School.
Sigalagala Technical School.
Rift Valley Technical School.
Meru Technical School.
Mawego Technical School.
Khamis Secondary School.
Shimo-la-Tewa School.
Technical High School, Mombasa.
Tudor Secondary School.
Kangaru School.
Kitui Secondary School.
Machakos School.
Machakos Girls' High School.
Meru School.
Meru Training College.
Giakanja Secondary School.
Kagumo Secondary School.
Kirogo Secondary School.
Njiri's High School.
Chewoyet Secondary School.

Highlands School.
Kabarnet Secondary School.
Kabianga Secondary School.
Kajiado Secondary School.
Kapsabet Secondary School.
Kericho Secondary School.
Kericho Training College.
Kipsigis Girls High School.
Nanyuki Secondary School.
Narok Secondary School.
Njoro Secondary School.
Tambach Secondary School.
Agoro Sare Secondary School.
Homa Bay Secondary School.
Kisii Training College.
Kisumu Day Secondary School.
Bungoma Secondary School.
Kakamega Secondary School.
State House Road Girls' School.
Upper Hill School.
Lenana School.
Kenya High School.
Ofafa Jericho Secondary School.
Pumwani Secondary School.
Nairobi School.
Embu Girls' School.
Koelel Secondary School.
Naivasha Secondary School.
Nyandarua Secondary School.
Mbita Secondary School.
Kisumu Technical School.
Ngerenyi Secondary School.
Matuga Girls' Secondary School.
Michinda Secondary School.
Chania High School, Thika.
Cherengani Secondary School.
Kaloleni Girls' Secondary School.
Naitiri Secondary School.
Port Victoria Secondary School.
Nduru Secondary School.
Kenyatta College.
Malindi Secondary School.

[Subsidiary]

Nyagwa Secondary School.
 Molo Secondary School.
 Sigor Secondary School.
 Kilgoris Secondary School.
 Maralal Secondary School.
 Lugari Secondary School.
 Londiani Secondary School.
 Tenges Secondary School.
 Tinderet Secondary School.
 Kitale School.
 Hill School, Eldoret.
 Nyeri Primary School.
 Molo Primary School.
 Kenya Science Teachers College.
 Kenya Technical Teachers College.
 Michinda Primary School
 Naivasha Boarding Primary School
 Migon Primary Teachers College
 Olkirimatian Arid Zone Boarding Primary School
 Olololunga Arid Zone Boarding Primary School
 Kakuma Arid Zone Boarding Primary School
 Rhamu Arid Zone Boarding Primary School
 Bute Arid Zone Boarding Primary School
 Balambala Arid Zone Boarding Primary School

SECOND SCHEDULE

[Section 3(3), L.N. 137/1980, s. 2 L.N. 122/1981, o. 2, L.N 45/1983, o. 2.]

Musa Gitau Primary School, Thogoto
 Nyangoma Primary School for the Deaf, Bondo Thika Primary School for the Blind
 Salvation Army Secondary School for the Blind, Thika
 St. Oda School for the Blind, Aluor
 Garbo Tula Primary School
 Maseno School for the Deaf
 Kapsabet School for the Deaf
 St. Francis School for the Blind, Kapenguria
 Joyland School for the Physically Handicapped, Kisumu
 Nyangoma Technical School for the Deaf, Bondo
 Sikri Agricultural Training Centre for the Deaf and Blind
 Kaaga School for the Deaf, Meru
 Kitui School for the Deaf
 Kambui School for the Deaf
 Kerugoya School for the Deaf
 Murang'a School for the Deaf

Nyandarua School for the Deaf
Tumutumu School for the Deaf
Karatina School for the Mentally
Handicapped Mumias Primary School for the Deaf
Mumias Girls Secondary Vocational School for the Deaf
Butula School for the Mentally Handicapped
Port Reitz School for the Physically Handicapped. Mombasa
Meru School for the Mentally Handicapped
Ngala School for the Deaf, Nakuru
Mangu High School.
The Loreto Convent, Limuru.
Aquinas High School.
St. John's Teachers College, Kilimambogo.
St. Mary's Teachers College, Kiteta.
The Loreto Convent, Kiambu.
St. Augustine's College, Eregi.
Asumbi Teachers' College.
Kamwenja Teachers' College.
St. Lawrence's Teachers College, Egoji.
Aggrey High School.
Bura Girls' High School.
H.H. The Aga Khan Secondary School, Mombasa.
Murray High School.
Ribe High School.
Sacred Heart Secondary School.
St. Augustine's Preparatory School, Mombasa.
St. George's High School, Giriama.
St. Mary's High School, Lushangoni.
Star of the Sea Secondary School.
Chogoria High School.
Chuka High School.
Igembe Secondary School.
Ikuu Secondary School.
Kaaga Girls High School.
Kabaa High School.
Kangundo High School.
Miathene Secondary School.
Mulango Girls' Secondary School.
Nkubu Secondary School.
Precious Blood Girls' Secondary School, Kilungu.
Siakago High School.

[Subsidiary]

St. Charles Lwanga Secondary School.
St. Mark's College, Kigari.
St. Mary's Girls Secondary School, Egoji.
St. Paul's High School, Kevote.
St. Theresa's Secondary School, Tala.
Sacred Heart Girls' High School.
Alliance High School.
Alliance Girls High School.
Gaichanjiru School.
Githumu Secondary School.
Icagaki Commercial Secondary School.
Ituru High School.
Kabare Girls' High School.
Kahuhia Girls' High School.
Karima Secondary School.
Kerugoya Secondary School.
Kiangoma Secondary School.
Kianyaga Secondary School.
Kijabe High School.
Kirangari Secondary School.
Kirimara Secondary School.
Komothai Secondary School.
Limuru Girls' School.
Mary Hill School.
Mary Leakey Girls' School.
Mugoiri Girls' Secondary School.
Muranga Secondary School.
Ngandu Girls' School.
Njumbi Secondary School.
Nyeri Boys' Secondary School.
Ruthagati Secondary School.
St. Francis Girls' School, Mangu.
St. John's School, Kanunga.
St. Joseph's Secondary School, Githunguri.
Salvation Army School for the Blind, Thika.
Thika High School.
Thogoto Training College.
Tumutumu Girls' Secondary School.
Chebara Secondary School.
Kaploug Secondary School.
Kapropita Girls' Secondary School.
Kapsabet Girls' High School.
Nakuru Day Secondary School.
St. Brigid's Secondary School, Kimilili.

St. Joseph's High School, Chepterit.
St. Patrick's Secondary School, Iten.
Tenwek Secondary School.
Ambira Secondary School.
Asumbi Girls' Secondary School.
Bishop Otunga Secondary School, Mosocho.
Itiero Secondary School.
Lwak Girls' Secondary School.
Maranda Secondary School.
Maseno Secondary School.
Migori Secondary School.
Ng'iya Girls' Secondary School.
Nyabondo Secondary School.
Nyabururu Girls' High School.
Nyamagwa Secondary School.
Ogande Girls' High School.
Onjiko Secondary School.
Pe Hill Secondary School.
Rapogi Secondary School.
Sameta Secondary School.
Sawagongo Secondary School.
St. Francis Girls' Secondary School, Rang'ala.
St. Mary's School, Yala.
Amakura Secondary School.
Bunyore Girls' Secondary School.
Butere Boys' Secondary School.
Butere Girls' High School.
Butula Secondary School.
Chavakali Secondary School.
Chesamisi Secondary School.
Emusire Secondary School.
Friend's School Kamusinga.
Ingotse Secondary School.
Kaimosi High School.
Kaimosi Training College.
Kibabii Secondary School.
Kolanya Secondary School.
Lugulu Girls' High School.
Mukumu Secondary School.
Mukumu Girls' Secondary School.
Misikhu Girls' Secondary School.

[Subsidiary]

Musingu Secondary School.
Mwihila Secondary School.
Nyangori Secondary School.
St. Peter's Secondary School, Mumias.
Sigalame Secondary School.
Arya Girls' Senior School.
H.H. The Aga Khan High School, Nairobi.
Our Lady of Mercy School, Nairobi.
St. Theresa's Boys' School, Nairobi.
St. Theresa's Girls' School, Nairobi.
Cheptenye Secondary School.
Christian Industrial Training Centre.
Huruma Girls' High School.
Chinga High School.
Kamama School.
Kambui Girls' School.
Kereri Girls' School.
Malava School.
Mosoriot Teachers' College.
Muslim Girls' School, Nairobi.
Nangina Girls' School.
Precious Blood Secondary School, Riruta.
Kangema Secondary School.
Laikipia High School.
Mawego Technical School.
Muhoho Secondary School.
Parklands School.
Kapsakwany Secondary School.
Nyakach Girls' Secondary School.
Litein Secondary School.
Senende Secondary School.
Uthiru Secondary School.
Kegonge Secondary School.
Ngere Secondary School.
Baringo Secondary School.
Kahuho Uhuru High School.
Taranganya Secondary School.
Kairi Secondary School.
Mwea Secondary School.
Nginda Girls' Secondary School.

Wahundura Secondary School.
Njabini Secondary School.
Tarasaa Secondary School.
Masinga Secondary School.
Mbooni Secondary School.
Makueni Secondary School.
Matinyani Secondary School.
Chogoria Girl's School.
Gekano Secondary School.
Lelmokwa Secondary School.
Chebuyusi Secondary School.
Gatamaiyu Secondary School.
Ngenia High School.
Karuri Secondary School.
Kerugoya Girls' Secondary School.
Gitito Secondary School.
Strathmore College.
Thomson Falls High School.
Kangumbiri Girls School.
Kanjuri Secondary School.
Matungulu Girls' Secondary School.
Mukaa Boys Secondary School.
Kyuso Secondary School.
Ikutha Secondary School.
Abothoguci Secondary School.
Muthambi Girls Secondary School.
Rabuor Secondary School.
Chianda Secondary School.
Gendia Secondary School.
Itibo Secondary School.
Riokindo Secondary School.
Rangenyu Secondary School.
Kitale Secondary School.
Chwele Girls Secondary School.
Khasoko Secondary School.
Mundika Secondary School.
Namulungu Secondary School.
Jacaranda Special School-Nairobi.
Aga Khan Special School, Mombasa.
Joy Town Special School, Thika.

[Subsidiary]

Salvation Army School for the Blind, Mombasa.

Salvation Army School for the Blind, Kibos.

St. Lucy School for the Blind, Egoji.

Machakos Blind Trade Training School.

Mt. St. Mary's Primary School, Molo

Eldama Ravine Primary School

**EDUCATION (BOARD OF GOVERNORS) (ADMINISTRATION)
REGULATIONS, 1969**

[L.N. 18/1969.]

REGULATIONS UNDER SECTION 12(2)

1. These Regulations may be cited as the Education (Board of Governors) (Administration) Regulations, 1969.

[*Supra.*]

2. In these Regulations, “**Board of Governors**” means a Board of Governors established under the Education (Boards of Governors) Order, 1969.

3. Where an administrator of a school is appointed by the Minister in accordance with the provisions of section 12 of the Act—

- (a) all the powers and duties of the Board of Governors of the school shall be exercised and carried out by the administrator;
- (b) all works authorized and all contracts, action and legal proceedings entered into and all rights, liabilities and engagements incurred by the Board of Governors of the school shall vest in, attach to and be enforced, carried on and prosecuted by or against the administrator;
- (c) the signature of the administrator on any document shall have effect as though it were the signature of a person or persons authorized by the Board of Governors to sign any document on behalf of the Board of Governors.

4. Where an administrator is withdrawn by the Minister, all the powers and duties exercised and carried out by the administrator shall thereupon be exercised by the Board of Governors and all works authorized and all contracts, actions and legal proceedings entered into and all rights, liabilities and engagements incurred by the Board of Governors, or by the administrator, shall revert to and shall thereupon vest in, attach to and be enforced, carried on and prosecuted by or against the Board of Governors.

**EDUCATION (ENTRUSTMENT OF FUNCTIONS TO LOCAL AUTHORITIES)
ORDER, 1970**

[L.N. 50/1970.]

ORDERS UNDER SECTION 5

1. This Order may be cited as the Education (Entrustment of Functions to Local Authorities) Order, 1970, and shall come into operation on the 1st day of January, 1970.

2. (1) The functions with respect to primary education specified in subparagraph (2) of this paragraph are hereby entrusted to the local authorities specified in the First Schedule.

(2) The functions with respect to primary education within the area of jurisdiction of any local authority to which this paragraph refers shall consist of—

- (a) the preparation and submission to the Minister for approval of plans for the establishment or closure of a primary school and no establishment or closure of a primary school shall take effect until the Minister has given his approval to the local authority in writing;
- (b) preparation of estimates of revenue and expenditure in respect of schools in the area over which the local authority has jurisdiction;
- (c) the receipt of subventions or grants-in-aid from public funds as may be approved by the Minister with the agreement of the Minister responsible for Local Government;
- (d) the administration of funds set aside for education purposes in accordance with such estimates as may be approved by the Minister with the agreement of the Minister responsible for Local Government;
- (e) the receipt of school fees;
- (f) the preparation of plans for the promotion or development of education in the area over which the local authority has jurisdiction and carrying out such plans as may be approved or directed by the Minister;
- (g) the provision of school equipment to all the primary schools which it manages:
Provided that the Minister may direct that a local authority shall only procure equipment from a specified source and may specify the manner in which procurement is to be effected;
- (h) the management of any public school in its area of jurisdiction;
- (i) the administration of bursaries for secondary education in accordance with rules made under the Act, and with estimates approved by the Minister responsible for Local Government after consultation with the Minister;
- (j) the submission to the Minister of such returns, reports and information as he may from time to time require; and
- (k) any other matters that may be prescribed in regulations made under the Act.

3. (1) The functions with respect to primary education specified in subparagraph (2) of this paragraph are hereby entrusted to the local authorities specified in the Second Schedule.

(2) The functions with respect to primary education within the area of jurisdiction of any local authority to which this paragraph refers shall consist of—

- (a) administering of bursaries for secondary education in accordance with regulations made under the Act, and with estimates approved by the Minister responsible for Local Government after consultation with the Minister;

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- (b) giving of material or rendering of financial assistance to any schools within their area of jurisdiction; and
- (c) dealing with any other matters that may be prescribed in regulations made under the Act.

4. Notwithstanding the provisions of subparagraph (2) of paragraph 2 and subparagraph 2 and paragraph 3 of this Order, no local authority shall be entrusted with any function with respect to the following schools—

The Hill School, Eldoret;

Kitale Primary School;

Nyeri Primary School.

5. The Minister may appoint a public officer to serve as a Principal Education Officer or Assistant Education Officer in respect of the local authorities specified in the First Schedule:

Provided that the Minister may with the agreement of the Minister responsible for Local Government require any local authority specified in the First Schedule to appoint a Principal Education Officer or an Assistant Education Officer.

6. The Education (Entrustment of Functions to Local Authorities) Order, 1968 (L.N. 105/1968) is hereby revoked.

FIRST SCHEDULE

[Paragraphs 2(1), 5.]

Eldoret Municipal Council.

Kisumu Municipal Council.

Kitale Municipal Council.

Thika Municipal Council.

Mombasa Municipal Council.

City Council of Nairobi.

Nakuru Municipal Council.

SECOND SCHEDULE

[Paragraph 3(1).]

County Council of Busia.

County Council of Bungoma.

County Council of Central Rift.

County Council of Embu.

County Council of Garissa.

County Council of Gusii.

County Council of Isiolo.

County Council of Kakamega.

County Council of Kiambu.

County Council of Kilifi.

County Council of Kipsigis.

County Council of Kirinyaga.

County Council of Kisumu.
County Council of Kitui.
County Council of Kwale.
County Council of Laikipia.
County Council of Lamu.
County Council of Mandera.
County Council of Marsabit.
County Council of Masaku.
County Council of Meru.
County Council of Murang'a.
County Council of Narok.
County Council of Nyandarua.
County Council of Nyeri.
County Council of Olkejuado.
County Council of Samburu.
County Council of Sirikwa.
County Council of South Nyanza.
County Council of Taita/Taveta.
County Council of Tana River.
County Council of Turkana.
County Council of Wajir.

EDUCATION (LOCAL ENTRY FEES FOR EXAMINATIONS) REGULATIONS, 1970

[L.N. 200/1970.]

REGULATIONS UNDER SECTION 22

1. These Regulations may be cited as the Education (Local Entry Fees for Examinations) Regulations, 1970.
2. The local entry fees specified in the second column of the Schedule shall be payable by candidates on entering for examinations specified in the first column of the Schedule, and in the case of examinations set outside Kenya, shall be additional to the fees charged by the examination body.
3. The Education (Local Entry Fees for Examinations) Regulations (Cap. 211, Sub. Leg.) are hereby revoked.

SCHEDULE

[Regulation 2.]

<i>First Column</i>	<i>Second Column</i>
1. Certificate of Primary Education—	
School Candidates	Sh. 10 per Candidate.
Private Candidates	Sh. 20 per Candidate.
2. Kenya Junior Secondary Examination—	
School Candidates	Sh. 20 per Candidate.
Private Candidates	Sh. 40 per Candidate.
Teachers (P3) Part Entry	Sh. 20 per Candidate.
3. Pre-Technicians Examination—	
School Candidates	Sh. 100 per Candidate.
4. Joint Examination for the East African Certificate of Education and School Certificate—	
School Candidates from "Approved Schools"	Sh. 50 per Candidate.
Other School Candidates and Private Candidates	Sh. 100 per Candidate.
Transfer Fee	Sh. 10 per Candidate.
Oral English.....	Sh. 5 per Candidate.
Home Science Practicals	Sh. 10 per Candidate per subject.
5. East African Advanced Certificate of Education—	
School Candidates	Sh. 50 per Candidate.
Private Candidates	Sh. 100 per Candidate.
Transfer Fee.....	Sh. 10 per Candidate.
6. University of London External General Certificate of Education and "O" and "A" Level Examinations of other examining bodies—	
School Candidates	Sh. 10 per subject where not more than two subjects are taken at Ordinary Level.
	Sh. 50 where more than two subjects are taken at Ordinary Level.

Education

[Subsidiary]

SCHEDULE—*continued*

<i>First Column</i>	<i>Second Column</i>
	Sh. 20 per subject where not more than two subjects are taken at Advanced Level.
	Sh. 60 where more than two subjects are taken at Advanced Level.
Private Candidates	Sh. 80 per Candidate for Ordinary and Advanced Levels.
	Sh. 20 for each Practical test.
Late Entry Fee	Sh. 50 per Candidate.
7. University of London External Degree Examinations	Sh. 100 per Candidate.
8. Oversea Commercial and Institutional Examinations (Royal Society of Arts, London Chamber of Commerce, Institute of Book-keepers and other similar bodies)	Sh. 15 per Candidate.
9. National Council of Domestic Studies Examination	Sh. 25 per Institution.

EDUCATION (SCHOOL DISCIPLINE) REGULATIONS, 1972

[L.N. 40/1972, L.N. 56/2001.]

1. These Regulations may be cited as the Education (School Discipline) Regulations, 1972, and shall apply to all assisted and maintained schools.

2. A pupil may be suspended from attendance at a school by the Head Teacher of the school or a teacher acting in that capacity, if his language or behaviour is habitually or continually such as to endanger the maintenance of a proper standard of moral and social conduct in the school, or if any single act or series of acts subversive of discipline is committed.

3. (1) A pupil who has been suspended by the Head Teacher or teacher acting in that capacity shall not be allowed to attend classes and will be required to be physically away from the school precincts until he is informed of the outcome of his case by the Head Teacher or teacher acting in that capacity.

(2) The fact of the suspension shall be conveyed directly to the parent or legal guardian of the pupil by means of a letter.

4. (1) The Head Teacher or teacher acting in that capacity shall, within fourteen days of the suspension, report the suspension to the board of Governors of the school.

(2) The Board of Governors shall, after considering the report, recommend to the Director of Education through the Provincial Director of Education responsible for the area in which the school is situated, punishment other than corporal punishment which in the opinion of the board is commensurate with the offence committed.

[L.N. 56/2001, r. 2.]

5. The Director of Education may, after considering the recommendations of the Board, and after holding such inquiry (if any) as he may deem necessary—

- (a) confirm the suspension and order the expulsion of the pupil, in which case the pupil shall not be readmitted to a maintained or assisted school without the special sanction of the Director of Education; or
- (b) confirm the suspension and determine the conditions on which the pupil may be readmitted to the same school or to any other school; or
- (c) terminate the suspension.

6. In cases of mass indiscipline involving the whole or part of the student body, the head teacher or teacher acting in that capacity may declare the school closed and the students suspended.

7. (1) As soon as possible after closure of the school, the Head Teacher or teacher acting in that capacity shall report the matter to the Board of Governors who shall, within fourteen days after receipt of such report, consider the matter.

(2) The Board of Governors shall submit their report on the matter to the Director of Education through the Provincial Director of Education responsible for the area in which the school is situated.

[L.N. 56/2001, r. 3.]

8. The Director of Education may, after considering the report of the Board of Governors and after holding such inquiry (if any) as he may deem necessary—

- (a) confirm or terminate the suspension of all or any of the pupils; or

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- (b) determine the conditions on which all or any of the pupils are to be re-admitted to the same school or to any other school; or
- (c) order the expulsion of any pupil from the school.

9. A pupil may, on the order of the Director of Education, be excluded from school if, after consideration of his age and progress, the Director of Education is of the opinion that it is not in the interest of such pupil to remain in school.

10. The Board of Governors of a school may make administrative rules appertaining to the discipline of pupils and may prescribe appropriate punishment other than corporal punishment for breach of, or non-adherence to, such rules.

[L.N. 56/2001, r. 4.]

11 to 14. Deleted by L.N. 56/2001, r. 5.

DISTRICT EDUCATION BOARDS ORDER, 1972

[L.N. 59/1972.]

ORDER UNDER SECTION 28

1. This Order may be cited as the District Education Boards Order, 1972.
 2. There is hereby established a District Education Board for each district.
 3. Each board shall have jurisdiction in respect of all maintained and assisted primary schools situated within the area of the district for which it is established.
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DISTRICT EDUCATION BOARDS REGULATIONS, 1973

[L.N. 207/1973.]

REGULATIONS UNDER SECTION 33

1. These Regulations may be cited as the District Education Boards Regulations, 1973.
2. Not less than thirty days' notice shall be given prior to the date of an ordinary meeting of a Board.
3. (1) The agenda for an ordinary meeting of a Board shall be circulated at least fourteen days before the date of the meeting.
(2) The agenda for a special meeting shall be circulated at the same time as the notice calling the meeting, and no matter shall be discussed at a special meeting unless it appears on the agenda.
4. The closure of any discussion may be moved by any member and, if accepted by the chairman, shall forthwith be put to the vote.
5. (1) The chairman shall not accept a motion unless it is proposed by a member and seconded by not less than two other members.
(2) Each member shall have one vote, and, in the event of an equality of votes, the chairman shall have a casting vote in addition to his original vote.
6. Two-thirds of the total number of members of a Board shall constitute a quorum for a meeting of a Board:
Provided that no business shall be transacted at such meeting unless the chairman and at least two of the members appointed under paragraph (c), and at least two appointed under paragraph (d), of section 29(1) of the Act are present.
7. The minutes of each meeting shall be kept by the secretary and shall send two copies thereof to the Minister and one copy to each of the members.
8. At every meeting, and before proceeding with any other business, the chairman shall request the confirmation of the minutes of the previous meeting and shall have such confirmation or otherwise recorded.
9. (1) The following matters shall be recorded in the minutes—
 - (a) the names of all persons attending the meeting and those absent;
 - (b) all information supplied during the meeting, copies of all papers, other than the agenda, circulated to members shall be attached to the minutes;
 - (c) all decisions reached by the board and all recommendations made by it.
(2) Opinions expressed by individual members shall not be recorded unless the member concerned specifically requests that they be recorded.
10. No person, other than a member and those for whom provision is made in section 30(2) of the Act, shall be permitted to attend a meeting of the board.
11. Approval of financial estimates and authorization of expenditure shall be by a resolution of the Board and such resolution shall be forwarded to the Minister.
12. The Board shall ensure that such records are kept in respect of teachers in the schools under its jurisdiction as may be required by the employing body.

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- 13.** The board shall present to the Minister each year a development plan which shall—
- (a) show the existing number of schools, classes, teachers and pupils;
 - (b) include estimates of financial expenditure for the year to which the plan refers;
 - (c) include a forecast of expenditure for the year following.
- 14.** A board shall, subject to the Act and any other written law, have power to do anything that helps in the promotion of education and maintenance of standards within its area of jurisdiction.
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EDUCATION (SCHOOL COMMITTEES) REGULATIONS, 1978

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
 2. Committee members.
 3. Approval of appointments.
 4. Appointment of chairman.
 5. Secretary to the committee.
 6. Members of staff.
 7. Terms of service.
 8. Functions of committee.
 9. Frequency of meetings.
 10. Functions of a committee, procedure at meetings of committee.
 11. Minutes.
 12. Absenteeism.
 13. Replacement of members.
 14. Revocation of appointment.
 15. Appeals.
 16. Revocation.
-

[Subsidiary]

EDUCATION (SCHOOL COMMITTEES) REGULATIONS, 1978

[L.N. 190/1978.]

1. Citation

These Regulations may be cited as the Education (School Committees) Regulations, 1978.

2. Committee members

Every school committee established by a District Education Board or a Municipal Council for a primary school under section 9(1) of the Act shall consist of the following members—

- (a) seven persons elected by the parents whose children are at the school;
- (b) three persons nominated by the sponsor to the school where a sponsor has been appointed under section 8(1) of the Act; or where a school has no sponsor, three persons appointed by the Chairman and Secretary of the District Education Board or the Municipal Education Committee as the case may be, from among persons dedicated and experienced in the field of education; and
- (c) two persons appointed by the Chairman and Secretary of the district education Board or the Municipal Education Committee as the case may be, who need not be members of the District Education Board or Councillors of the Municipality.

3. Approval of appointments

All appointments under these Regulations, except any appointment made by the chairman and the Secretary of the District Education Board or the Municipal Education committee as the case may be, shall be forwarded to the Chairman and the Secretary of the District Education Board or the Municipal Education Committee for approval.

4. Appointment of chairman

The committee shall elect a chairman at its first ordinary meeting in each year.

5. Secretary to the committee

The headmaster of the school shall be Secretary to the Committee and shall attend all meetings and take part in the deliberations, but shall not have the right to vote.

6. Members of staff

Subject to regulation 5 to these Regulations, no member of the staff of a school may be a member of the committee of that school at which he is a member of staff.

7. Terms of service

Each member of a committee shall serve for a minimum period of one year and a maximum period of seven years but shall be eligible for re-appointment.

8. Functions of committee

- (1) The functions of the committee shall be—
 - (a) to advise the Chairman and Secretary of the District Education Board or the Municipal Education Committee as the case may be, on matters affecting the general interest of the school and the welfare of the pupils;
 - (b) to collect and account for any funds accruing to the school approved by the District Education Board or the Municipal Education Committee;

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- (c) in respect of a sponsored school, to maintain reasonable religious traditions of the school;
- (d) to advise the Chairman and the Secretary of the District Education Board or the Municipal Education Committee as the case may be, on the staffing needs of the school; and
- (e) to provide building, including houses and furniture, from funds collected by the committee after approval by the District Education Board or the Municipal Council.

9. Frequency of meetings

- (1) A committee shall hold not less than three ordinary meetings each year.
- (2) The chairman may convene a special meeting of the committee at any time and may do so at the request of the Assistant Education Officer of his area.

10. Functions of a committee, procedure at meetings of committee

- (1) The quorum at any meetings of a committee shall be seven members.
- (2) In the absence of the chairman at any meeting of a committee, the members present shall elect a chairman from amongst themselves for that meeting only and such chairman shall be chairman of the meeting for so long as the chairman is absent.
- (3) Questions before a committee shall be decided by the votes of a majority of the members present and voting and in the case of an equality of votes the chairman shall have a second or casting vote.

11. Minutes

Minutes shall be kept of the proceedings at every meeting of a committee and a copy of the minutes shall be sent to the Secretary of the District Education Board or the Municipal Education Committee as the case may be.

12. Absenteeism

Where any member of a committee absents himself from two consecutive meetings of the committee without a reasonable excuse, such member shall be deemed to have resigned from that committee.

13. Replacement of members

If any member of a committee dies, or retires from membership thereof, or is deemed to have resigned from the committee, a new member shall be appointed in his place for the remainder of the term of office of the member who died, retired or resigned by the person or body empowered to appoint him.

14. Revocation of appointment

The appointment of any member may be revoked by the appointing authority in a letter addressed to the member informing him of such revocation of appointment, and the appointing authority shall thereupon proceed to appoint a new member under regulation 13 of these Regulations.

15. Appeals

Any party aggrieved by an action or decision taken under regulation 8 of these Regulations shall have the right to appeal to the District Education Board or Municipal Council, as the case may be, in the first instance and may thereafter appeal to the Minister, through the Provincial Education Officer, whose decision shall be final in so far as any rights under any law are not adversely affected by such action or decision.

16. Revocation

The Education (School Committees) Regulations (Sub. Leg.) are hereby revoked.

EDUCATION (BOARD OF GOVERNORS) (KENYA TECHNICAL TEACHERS COLLEGE) ORDER, 1978

ARRANGEMENT OF ORDERS

PART I – PRELIMINARY

Order

1. Citation.
2. Interpretation.

PART II – THE BOARD OF GOVERNORS

3. Establishment of the Board of Governors.
4. Membership of Board of Governors.
5. Tenure of office of Governors.
6. Vacancies on the Board
7. Alternate governors.
8. Interest in College property.
9. Governor not personally liable.
10. Meetings and procedure.

PART III – FINANCE AND GENERAL PURPOSES COMMITTEE

11. Finance and General Purposes Committee.

PART IV – FUNCTIONS OF THE BOARD OF GOVERNORS

12. Board to govern according to certain laws.
13. Appointment of non-teaching staff.
14. Staff seconded to the College.
15. Dismissal of staff.
16. General directions of the College.
17. Admission and exclusion of students.

PART V – FINANCE

18. Estimates.
19. Expenditure
20. Accounts.
21. Income.
22. Raising of funds.
23. Unexpended balance.
24. Fees.

PART VI – GENERAL

25. Vesting of property inboard.
 26. Custody of common seal.
 27. Minister to determine validity, etc.
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[Subsidiary]

EDUCATION (BOARD OF GOVERNORS) (KENYA TECHNICAL TEACHERS COLLEGE) ORDER, 1978

[L.N. 242/1978.]

PART I – PRELIMINARY

1. Citation

This order may be cited as the Education (Board of Governors) (Kenya Technical Teachers College) Order, 1978.

2. Interpretation

In this Order, except where the context otherwise requires—

“**Board**” means the Board of Governors of the Kenya Technical Teachers College;

“**College**” means the Kenya Technical Teachers College;

“**governor**” means a member of the Board;

“**principal**” means the Principal or Head of the College;

“**staff**” includes both teaching and non-teaching employees of the College;

“**student**” means one who is undergoing training at the College;

“**College Project Agreement**” means the Memorandum of Understanding entered into and dated and made between the Government of Canada and the Republic of Kenya on and for co-operation in the field of technical teachers’ training;

“**University of New Brunswick/Canadian International Development Agency Contract**” means the Agreement entered into between the Canadian International Development Agency and the University of Brunswick whereby the University will, on behalf of the Government of Canada, provide professional and technical services to the College.

PART II – THE BOARD OF GOVERNORS

3. Establishment of the Board of Governors

There is hereby established a Board of governors to be known as the Board of Governors of Kenya Technical Teacher’s College which is hereby declared to be a body corporate in the name of the Board and shall have perpetual succession and a common seal and may in its corporate name sue or be sued.

4. Membership of Board of Governors

(1) The Board shall consist of the following Governors—

(a) a chairman appointed by the Minister;

(b) one person nominated by each of the following bodies and appointed by the Minister—

- the National Industrial Training Council;
- the National Council of Technical and Technology;
- the University of Nairobi;
- the Kenya Secondary School Heads Association;
- the Kenya National Union of Teachers;

the Kenya Institute of Education;

the Association of Principals and Heads of Kenya Teachers Colleges;

- (c) not more than three persons appointed by the Minister to represent other interests;
- (d) not more than three persons co-opted by the Board;
- (e) the Director of Education or his representative of the Ministry of Education who shall be an *ex officio* member of the Board;
- (f) the Permanent Secretary responsible for matters relating for Education or his representative of the Ministry of Education, who shall be an *ex officio* member of the Board;
- (g) one person appointed by the Canadian High Commission during the effective period of the College Project Agreement; and
- (h) one person appointed by or on behalf of the University of New Brunswick during the effective period of University of New Brunswick/Canadian International Development Agency Contract.

(2) The Board shall appoint a paid or unpaid secretary who may, but need not, be a member of the Board or member of staff of the College.

(3) Neither the principal nor any member of the staff of the College may be a member of the Board but the Principal shall submit items of business for discussion by the Board and may attend the meetings of the Board except when the Board shall otherwise determine, but shall not be entitled to vote.

[L.N. 166/1979, o. 2.]

5. Tenure of office of governors

(1) The governors shall hold office for a period of three years, provided that the Minister may make provision for the rotational retirement of governors at the end of each calendar year.

(2) The governors shall be eligible for re-appointment on retirement.

6. Vacancies on the Board

(1) Every vacancy on the Board shall be notified at once to the appointing authority as the case requires.

(2) Any governor who is absent from all meetings of the Board during a period of one year, or who is incapacitated from acting, or who is adjudicated bankrupt, or who communicates in writing to the Board his wish to resign, shall thereupon cease to be a governor.

7. Alternate governors

A governor shall have the right to nominate another person with full powers to act, vote and speak in his place at any meeting which he is himself unable to attend.

8. Interest in College property

Except in special circumstances, and with the written approval of the Minister, no governor shall acquire or hold any interest in any property belonging to the College, or receive any remuneration, or be interested in any contract in which the College is concerned.

9. Governor not personally liable

No governor shall be subject to any personal liability in respect of any matter or any thing done or omitted or any contract entered into by or on behalf of the Board.

[Subsidiary]

10. Meetings and procedure

(1) The Board shall hold at least three ordinary meetings each year, and a special meeting may be summoned by the chairman on his own volition or at the written request of any three governors, provided that two clear weeks notice of any meeting and of the matters to be discussed shall be given to the governors.

(2) The quorum at any meeting shall be one half of the members of the Board and any matter shall be determined by a majority of the members present at any meeting and voting thereon.

(3) In the absence of the chairman at any meeting, the governors present shall elect one of the governors to chair that meeting.

(4) The chairman shall have an original vote and a casting vote in case of a tie in voting.

(5) Any meeting may be adjourned by resolution and, if a sufficient number of governors to form a quorum is not present, the meeting shall stand adjourned *sine die*.

(6) Any resolution of the Board may be rescinded or varied at a subsequent meeting if due notice has been given to all the governors.

(7) The Board may invite persons who are not members of the Board to attend any meeting thereof, but no such person shall be entitled to vote on any matter or, except so far as the chairman shall allow, to take part in the proceedings.

(8) Except for any document which may be required by law to be sealed, any document made or to be used by the Board may be executed and any decision of the Board may be signified, under the hand of the chairman or of any member or officer of the Board authorized in that behalf.

PART III – FINANCE AND GENERAL PURPOSES COMMITTEE

11. Finance and General Purposes Committee

(1) There shall be a body to be known as the Finance and General Purposes Committee which shall consist of the chairman of the Board and not less than four and not more than six members appointed by the Board from among the governors.

(2) The functions of the Finance and General Purposes Committee shall be—

- (a) to give close guidance to the principal in the implementation of the decisions made by the Board;
- (b) to take such decisions or actions as would accelerate the execution of the policy decisions of the Board;
- (c) to do anything which the Board shall require to be done by the Committee;
- (d) to consider and authorize any financial transactions or development proposals on behalf of the Board.

(3) The proceedings of any meeting of the Committee shall be reported to the Board at the next meeting of the Board.

(4) The Principal shall be one of the members of the Finance and General Purposes Committee appointed under subparagraph (1) and shall also be secretary to the Committee.

(5) The chairman of the Board shall be the chairman of the Finance and General Purposes Committee.

(6) The members of the Finance and General Purposes Committee shall have the same terms of office as members of the Board.

(7) The Committee shall establish its own rules and procedure.

PART IV – FUNCTIONS OF THE BOARD OF GOVERNORS

12. Board to govern according to certain laws

The Board shall govern the College in accordance with—

- (a) the provisions of the Education Act (Cap. 211) and of any rules and regulations made thereunder;
- (b) the Teachers Service Commission Act (Cap. 212) on all matters relating to the employment of teachers; and
- (c) the provisions of this Order.

13. Appointment of non-teaching staff

The Board shall, with the consent of the Minister, appoint suitable non-teaching staff on terms and conditions of service approved by the Minister.

14. Staff seconded to the College

(1) The Board shall administer and control all staff seconded for service at the College.

(2) The Board may, by a resolution passed by at least two-thirds of the governors present and voting at a special meeting convened for that purpose, request the Minister to terminate the secondment of any person seconded for service at the College.

15. Dismissal of staff

The Board shall not decide on a proposal to dismiss any person employed by the Board or to terminate his contract, or to request the Minister to terminate the secondment of any person seconded for service at the College, on grounds of misconduct or grave professional default, until the person concerned has been given an opportunity to appear in person before the Board, and the person so appearing may be accompanied by one other person.

16. General directions of the College

(1) Subject to the provisions of paragraph 14 of this Order and to the Minister's power to determine the general education character of the College and its place in the educational system of Kenya, the Board shall have the general direction of the conduct and curriculum at the College. Provided that nothing shall be done or resolved which contravenes the terms of any agreement entered into by the Government with respect to the College which is still in force.

(2) All proposals and reports affecting the policy and curriculum of the College shall be submitted formally to the Board and the Minister shall be furnished with a copy thereof at least fourteen days before such proposals and reports are implemented by the Board.

(3) Subject to any provisions of this Order, the Principal shall control the internal organization, management, and discipline at the College, shall supervise the staff, and shall be personally responsible to the Board for fostering and maintaining proper and suitable standards of conduct and behaviour among the staff and students at the College.

(4) There shall be regular consultation between the Principal and the Director of Education on all matters relating to teachers education.

(5) The Principal shall make such arrangements as may be adequate and suitable for consultation with the staff and students.

[Subsidiary]

17. Admission and exclusion of students

The admission and exclusion of students to or from the College shall be regulated by the Director of Education.

PART V – FINANCE

18. Estimates

The Board shall prepare annual estimates of revenue and expenditure in such form and at such time as the Minister shall prescribe, for submission to the Minister.

19. Expenditure

The Board may incur expenditure for the purposes of the College in accordance with estimates which have been approved by the Minister.

20. Accounts

The principal shall control the day-to-day expenditure connected with the running of the College and shall present accounts, including an annual audited accounts, of such expenditure to the Board as and when and in such form as the Board may direct.

21. Income

The Board shall receive any fees payable by, or in respect of students, all grants made out of public funds, whether for capital or revenue purposes, and any subscription, donations or bequests made to the College.

22. Raising of funds

(1) The Board may, with the approval of the Minister and subject to any restriction imposed by law, appeal to the general public for subscriptions, donations or bequests for the benefit of the College.

(2) Where the Minister at the request of the Board, authorizes the Board to raise a loan for the benefit of the College, the Board shall make arrangements for the raising of the loan and shall ensure that proper provisions are made for the payment thereof and of any interest and other charges, in accordance with any directions given by the Minister.

23. Unexpended balance

Any balance of income which is unexpended in any year may be carried forward to the accounts of the College to the next financial year and the Board may make proposals for the final disposal of the unexpended balance which shall be at the discretion of the Minister, who may take such balances into account when assessing the following year's grant to the College.

24. Fees

The Board shall, subject to any matter prescribed in the Act, with the approval of the Minister, determine the scales of fees payable by or in respect of students at the College and shall prescribe the conditions under which fees may be remitted in part or in whole.

PART VI – GENERAL

25. Vesting of property in Board

All such movable and immovable property, shares, funds, and securities as may from time to time become the property of the Board, shall be in the name of the Board of Governors of Kenya Technical Teachers College and shall be dealt with in such manner as the Board may from time to time determine, subject to the conditions upon which any

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grants are made from public funds for capital or recurrent purposes and the conditions upon which any endowment, bequest, or donation is made for any purpose connected with the College:

Provided that the Board shall not dispose of any property without the consent of the Minister.

26. Custody of common seal

The common seal of the Board shall be in the custody of the Principal of the College and shall be signified by the chairman of the Board or such other governor as the Board may by resolution appoint and by any one other governor.

27. Minister to determine validity, etc.

Any question arising as to the construction of this Order or as to the regularity or validity of any act done, or about to be done, hereunder shall be determined conclusively by the Minister upon application made to him for that purpose.

EDUCATION (BOARD OF GOVERNORS) (KENYA SCIENCE TEACHERS COLLEGE) ORDER, 1978

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[Subsidiary]

EDUCATION (BOARD OF GOVERNORS) (KENYA SCIENCE TEACHERS COLLEGE) ORDER, 1978

[L.N. 243/1978, L.N. 166/1979, Corr. No. 57/1979.]

PART I – PRELIMINARY

1. Citation

This Order may be cited as the Education (Board of Governors) (Kenya Science Teachers College) Order, 1978.

2. Interpretation

In this Order, except where the context otherwise requires—

“**Board**” means the Board of Governors of the Kenya Science Teachers’ College;

“**College**” means the Kenya Science Teachers College;

“**governor**” means a member of the Board;

“**Principal**” means the Principal or Head of the College;

“**staff**” includes both teaching and non-teaching employees of the College;

“**student**” means a person who is undergoing training at the College.

PART II – THE BOARD OF GOVERNORS

3. Establishment of the Board of Governors

There is hereby established a Board of governors to be known as the Board of Governors of Kenya Science Teachers College which is hereby declared to be a body corporate in the name of the Board and shall have perpetual succession and a common seal and may in its corporate name sue or be sued.

4. Membership of Board of Governors

(1) The Board shall consist of the following governors—

(a) a chairman appointed by the Minister;

(b) one person appointed by the Minister and nominated by each of the following bodies—

(i) the National Council for Science and Technology;

(ii) the University of Nairobi;

(iii) the Kenya Institute of Education;

(iv) the Kenya National Union of Teachers;

(v) the City Council of Nairobi;

(vi) the Teachers Service Commission;

(vii) the National Academy of Science and Arts;

(viii) the Kenya Secondary Schools Heads Association;

(ix) the National Libraries Association;

(c) not more than three persons appointed by the Minister to represent other interests;

(d) not more than three persons co-opted by the Board; and

(e) the Permanent Secretary, Ministry of Education or his representative, who shall be *ex officio* member of the Board.

[Subsidiary]

(2) The Board shall appoint a paid or unpaid secretary who may, but need not, be a member of the Board or member of staff of the College.

(3) Neither the Principal nor any member of the staff of the College may be a member of the Board but the principal shall submit items of business for discussion by the Board and may attend the meetings of the Board except when the Board shall otherwise determine, but shall not be entitled to vote.

[L.N. 166/1979, o.2, Corr. No. 57/1979.]

5. Tenure of office of governors

(1) The governors shall hold office for a period of three years and the Minister may make provision for the rotational retirement of governors at the end of each calendar year.

(2) Governors shall be eligible for re-appointment on retirement.

6. Vacancies on the Board

(1) Every vacancy on the Board shall be notified at once to the appointing authority as the case requires.

(2) Any governor who is absent from all meetings of the Board during a period of one year, or who is incapacitated from acting, or who is adjudicated bankrupt, or who communicates in writing to the Board his wish to resign, shall thereupon cease to be a governor.

7. Alternate governors

Any governor shall have the right to appoint an alternate with full powers to act, vote and speak in his place at any meeting which he is himself unable to attend.

8. Interest in College property

Except in special circumstances, and with the written approval of the Minister, no governor shall acquire or hold any interest in any property belonging to the College, or receive any remuneration, or be interested in any contract in which the College is concerned.

9. Governor not personally liable

No governor shall be subject to any personal liability in respect of any matter or anything done or omitted or any contract entered into by or on behalf of the Board.

10. Meetings and procedure

(1) The Board shall hold at least three ordinary meetings each year, and a special meeting may be summoned by the chairman on his own volition or at the written request of any three governors, provided that two clear weeks notice of any meeting and of the matters to be discussed shall be given to the governors.

(2) The quorum at any meeting shall be one half of the members of the Board and any matter shall be determined by a majority of the members present at any meeting and voting thereon.

(3) In the absence of the chairman at any meeting, the governors present shall elect one of the governors to chair that meeting.

(4) The chairman shall have an original vote and a casting vote in case of a tie in voting.

(5) Any meeting may be adjourned by resolution and, if a sufficient number of governors to form a quorum is not present, the meeting shall stand adjourned *sine die*.

[Subsidiary]

(6) Any resolution of the Board may be rescinded or varied at a subsequent meeting if due notice has been given to all the governors.

(7) The Board may invite persons who are not members of the Board to attend any meeting thereof, but no such person shall be entitled to vote on any matter, or except so far as the chairman shall allow, to take part in the proceedings.

(8) Except for any document which may be required by law to be sealed, any document made or to be used by the Board may be executed and any decision of the Board may be signified under the hand of the chairman or of any member or officer of the Board authorized in that behalf.

PART III – FINANCE AND GENERAL PURPOSES COMMITTEE**11. Finance and General Purposes Committee**

(1) There is hereby established a body to be known as the Finance and General Purposes Committee which shall consist of the chairman of the Board and not less than four and not more than six members appointed by the Board from among the governors.

(2) The functions of the Finance and General Purposes Committee shall be—

- (a) to give close guidance to the principal in the implementation of the decisions made by the Board;
- (b) to take such decisions or actions as would accelerate the execution of the policy decisions of the Board;
- (c) to do anything which the Board shall require to be done by the Committee;
- (d) to consider and authorize any financial transactions or development proposals on behalf of the Board.

(3) The proceedings of any meeting of the Finance and General Purposes Committee shall be reported to the Board at the next meeting of the Board.

(4) The principal shall be one of the members of the Finance and General Purposes Committee appointed under subparagraph (1) and shall also be secretary to the Committee.

(5) The chairman of the Board shall be the chairman of the Committee.

(6) The members of the Committee shall have the same terms of office as members of the Board.

(7) The Committee shall establish its own rules and procedure.

PART IV – FUNCTIONS OF THE BOARD OF GOVERNORS**12. Board to govern according to certain laws**

The Board shall govern the College in accordance with—

- (a) the provisions of the Education Act (Cap. 211) and of any rules and regulations made thereunder;
- (b) the Teachers Service Commission Act (Cap. 212) on all matters relating to the employment of teachers; and
- (c) the provisions of this Order.

13. Appointment of non-teaching staff

The Board shall, with the consent of the Minister appoint suitable non-teaching staff on terms and conditions of service approved by the Minister.

14. Staff seconded to the College

(1) The Board shall administer and control all staff seconded for service at the College.

[Subsidiary]

(2) The Board may, by a resolution passed by at least two-thirds of the governors present and voting at a special meeting convened for that purpose, request the Minister to terminate the secondment of any person seconded for service at the College.

15. Dismissal of staff

The Board shall not decide on a proposal to dismiss any person employed by the Board or to terminate his contract, or to request the Minister to terminate the secondment of any person seconded for service at the College, on grounds of misconduct or grave professional default, until the person concerned has been given an opportunity to appear in person before the Board, and the person so appearing may be accompanied by one other person.

16. General directions of the College

(1) Subject to the provisions of section 14 of this Order and to the Minister's power to determine the general education character of the College and its place in the educational system of Kenya, the Board shall have the general direction of the conduct and curriculum at the College, provided that nothing shall be done or resolved which contravenes the terms of any agreement entered into by the Government with respect to the College which is still in force.

(2) All proposals and reports effecting the policy and curriculum of the College shall be submitted formally to the Board and the Minister shall be furnished with a copy thereof at least fourteen days before such proposals and reports are implemented by the Board.

(3) Subject to any provisions of this Order, the Principal shall control the internal organization, management, and discipline at the College, shall supervise the staff, and shall be personally responsible to the Board for fostering and maintaining proper and suitable standards of conduct and behaviour among the staff and students at the College.

(4) There shall be regular consultation between the Principal and the Director of Education on all matters relating to teachers education.

(5) The principal shall make such arrangements as may be adequate and suitable for consultation with the staff and students.

17. Admission and exclusion of students

The admission and exclusion of students to or from the College shall be regulated by the Director of Education.

PART V – FINANCE

18. Estimates

The Board shall prepare annual estimates of revenue and expenditure in such form and at such time as the Minister shall prescribe, for submission to the Minister.

19. Expenditure

The Board may incur expenditure for the purposes of the College in accordance with estimates which have been approved by the Minister.

20. Accounts

The Principal shall control the day to day expenditure connected with the running of the College and shall present accounts, including an annual audited accounts, of such expenditure to the Board as and when and in such form as the Board may direct.

[Subsidiary]

21. Income

The Board shall receive any fees payable by, or in respect of students, all grants made out of public funds, whether for capital or revenue purposes, and any subscription, donations or bequests made to the College.

22. Raising of funds

(1) The Board may, with the approval of the Minister and subject to any restriction imposed by law, appeal to the general public for subscriptions, donations or bequests for the benefit of the College.

(2) Where the Minister, at the request of the Board, authorizes the Board to raise a loan for the benefit of the College, the Board shall make arrangements for the raising of such loan and shall ensure that proper provisions are made for the payment thereof and of any interest and other charges, in accordance with any directions given by the Minister.

23. Unexpended balance

Any balance of income which is unexpended in any year may be carried forward to the accounts of the College to the next financial year and the Board may make proposals for the final disposal of the unexpended balance which shall be at the discretion of the Minister, who may take such balances into account when assessing the following year's grant to the College.

24. Fees

The Board shall, subject to any matter prescribed in the Act, with the approval of the Minister, determine the scales of fees payable by or in respect of students at the College and shall prescribe the conditions under which fees may be remitted in part or in whole.

PART VI – GENERAL**25. Vesting of property in Board**

All such movable and immovable property, shares, funds, and securities as may from time to time become the property of the Board, shall be in the name of the Board of Governors of Kenya Science Teachers College and shall be dealt with in such manner as the Board may from time to time determine, subject to the conditions upon which any grants are made from public funds for capital or recurrent purposes and the conditions upon which any endowment, bequest, or donation is made for any purpose connected with the College:

Provided that the Board shall not dispose of any property without the consent of the Minister.

26. Custody of common seal

The common seal of the Board shall be in the custody of the principal of the College and shall be signified by the chairman of the Board or such other governor as the Board may by resolution appoint and by any one other governor.

27. Minister to determine validity, etc.

Any question arising as to the construction of this Order or as to the regularity or validity of any act done, or about to be done, hereunder shall be determined conclusively by the Minister upon application made to him for that purpose.

EDUCATION (KENYA INSTITUTE OF SPECIAL EDUCATION) ORDER, 1986

ARRANGEMENT OF ORDERS

PART I – PRELIMINARY

Order

1. Citation.
2. Interpretation.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE INSTITUTE

3. Establishment and functions of the Institute.
4. Council of the Institute.
5. Tenure of office.
6. Meeting and procedure of the council.
7. Director and staff of the Institute.
8. Finance.
9. Annual accounts, etc..

PART III – PROPERTY OF THE COUNCIL

10. Vesting of property in the council.

PART IV – COMMITTEES OF THE INSTITUTE

11. Finance and general purposes committee.
12. Other committees.

PART V – MISCELLANEOUS PROVISIONS

13. Determination of questions.
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[Subsidiary]

EDUCATION (KENYA INSTITUTE OF SPECIAL EDUCATION) ORDER, 1986

[L.N. 17/1986.]

PART I – PRELIMINARY**1. Citation**

This Order may be cited as the Education (Kenya Institute of Special Education) Order, 1986.

2. Interpretation

In this Order—

“**Council**” means the Council of the Institute provided for under paragraph 4;

“**Institute**” means the Kenya Institute of Special Education established under paragraph 3.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE INSTITUTE**3. Establishment and functions of the Institute**

(1) There shall be established an Institute to be known as the Kenya Institute of Special Education which shall be charged with the responsibility of carrying out the functions specified in paragraph (2).

(2) The functions of the Institute shall be—

- (a) to conduct teacher training courses for teachers in various fields of the education of children with special educational needs;
- (b) to conduct in-service courses for personnel working in all fields of special education;
- (c) to prepare and conduct correspondence courses for personnel in the field of special education;
- (d) to run an educational and psychological assessment centre for the training of teachers of children with special education needs;
- (e) to run an orientation and mobility centre for training and demonstration purposes;
- (f) to run a model training unit for the integration of handicapped children into regular schools;
- (g) to run a pre-school department where training and the stimulation of young handicapped children can be carried out for the purpose of teacher training;
- (h) to function as a resource centre for the production and dissemination of information to the general public on disabilities;
- (i) to run a documentation and resource centre on handicaps;
- (j) to conduct research in special education;
- (k) to maintain, repair, design, produce and assemble special materials and equipment.

4. Council of the Institute

(1) There shall be a council to be known as the Council of the Kenya Institute of Special Education which shall have the responsibility of managing the Institute in accordance with this Order.

[Subsidiary]

- (2) The Council shall consist of the following Members—
- (a) a chairman appointed by the Minister;
 - (b) the Permanent Secretary of the Ministry for the time being responsible for special education;
 - (c) the director of education for the time being responsible for special education;
 - (d) the secretary to the Teachers Service Commission;
 - (e) the Director of the Kenya Institute of Education;
 - (f) the Commissioner of Social Services;
 - (g) the secretary to the Examinations Council;
 - (h) the Director of Information;
 - (i) the Director of Medical Services;
 - (j) one person nominated by each of the following bodies and appointed by the Minister—
 - (i) the Senate of the Xenyatta University;
 - (ii) the Kenya National Union of Teachers;
 - (iii) the Kenya Society for the Mentally Handicapped;
 - (iv) the Kenya Society for the Blind;
 - (v) the Kenya Society for the Deaf;
 - (vi) the Association for the Welfare of Physically Disabled;
 - (vii) the Federation of Kenya Employers;
 - (k) two persons representing the Union of the Blind and the Union of the Deaf;
 - (l) three persons representing the religious organizations operating in Kenya.

5. Tenure of office

(1) Subject to subparagraph (2) the members of the council shall hold office for a period of three years, but shall be eligible for re-appointment.

(2) The council may make provision for rotational retirement of a number of its members at the end of each year.

(3) A member of the council may resign his office by writing under his hand addressed to the chairman of the council.

(4) A member of the council shall be deemed to have vacated his office if he—

- (a) becomes bankrupt or compounds with his creditors;
- (b) is absent from all the meetings of the council, unless he is on leave.

6. Meeting and procedure of the council

(1) The council shall hold an ordinary meeting at least three times in each year and each meeting shall be convened by the chairman.

(2) The chairman may at any time call a special meeting of the council, and shall call a special meeting within twenty-eight days of a requisition for that purpose addressed to him in writing by any three members.

(3) The chairman shall give two weeks notice to all the members of any meeting and the agenda of the meeting.

(4) The quorum of the council shall be ten.

[Subsidiary]

(5) The decisions of the council shall be by a majority of votes of the members present and voting and the person presiding at each meeting shall have a casting vote.

(6) The chairman shall preside at all meetings of the council at which he is present.

(7) In the absence of the chairman from a meeting of the council, the council shall elect one of the members present at the meeting to be the chairman of that particular meeting.

(8) All documents made by, and all decisions of, the council may be signified under the hand of the chairman or any member or officer of the council authorized in that behalf.

7. Director and staff of the Institute

(1) The council shall, with the approval of the Minister, appoint a director of the Institute.

(2) The council shall appoint suitable professional and supporting staff.

(3) The power of the council to appoint staff shall include the power to approve persons seconded to the service of the council.

(4) The council may, by resolution passed not less than two thirds of the members present and voting at a special meeting convened for the purpose, request the termination of the secondment of any person seconded to the service of the council under subparagraph (3).

(5) No final decision to dismiss a person employed by the council or to terminate his contract, or to request the termination of the secondment of a person seconded to the service of the council on grounds of misconduct, grave professional default or inefficiency shall be reached until the person has been given the opportunity to appear in person before the council.

8. Finance

(1) The council shall prepare annual estimates of revenue and expenditure, in such form and at such times as the Minister shall prescribe, for submission to the Minister.

(2) The council may incur expenditure for the purpose of the Institute in accordance with estimates which have been approved by the Minister, and any approved expenditure under any head of the estimates may not be exceeded without prior approval of the Minister in writing.

(3) The council shall receive all grants made out in public funds, whether for capital or recurrent purposes, and any subscriptions, donations or bequests made to the Institute.

(4) Nothing in this Order shall affect the terms and conditions upon which any grant may be made to the council in aid of the Institute out of public funds.

(5) The council may, with the approval of the Minister and subject to any restriction imposed by law, appeal to the general public for subscriptions, donations or bequests for the benefit of the Institute.

(6) The director of the Institute shall control the day-to-day expenditure connected with the running of the Institute, and shall present an account of the expenditure to the finance and general purposes committee which shall take the necessary action on behalf of the council.

(7) The council may, with the approval of the Minister, pay all expenses connected with the Institute, including the salaries of the directors of the institute and those of the other staff; but the personal emoluments of persons seconded to the service of the council under paragraph 12(3) shall, in the first instance, be paid by the seconding authority and may be recovered from the council.

[Subsidiary]

(8) Any unexpended balance of a grant may be carried forward in the accounts of the Institute from one year to the next and be expended as the council may determine.

9. Annual accounts, etc.

(1) The council shall furnish the Minister with a certified copy of the audited annual statement of accounts and such other information about the revenue, expenditure, assets and liabilities of the Institute as he may require.

(2) The council shall be responsible for making arrangements to raise any loan which the Minister may, at the request of council authorize the council to raise for the purpose of the Institute and shall ensure that proper provision is made for the repayment thereof and payment of all interest and other charges thereon in accordance with any Order made by the Minister in the matter or in accordance with the terms and conditions of the loan.

PART III – PROPERTY OF THE COUNCIL

10. Vesting of property in the council

All such immovable property, shares, fund and securities as may from time to time become the property of the council shall be in the name of the Council of the Kenya Institute of Special Education and shall be dealt with in such manner as the council may from time to time determine subject to the conditions upon which any grants are made from public funds for capital or recurrent purposes and the conditions upon which any endowment, bequest or donation is made for any purpose connected with the Institute:

Provided that the council shall not dispose of any property without the consent of the Minister.

PART IV – COMMITTEES OF THE INSTITUTE

11. Finance and general purposes committee

(1) There shall be a committee of the Institute to be known as the finance and general purposes committee which shall consist of not less than five and not more than ten members appointed by the council from among its members.

(2) The functions of the finance and general purposes committee shall be—

- (a) to give close guidance to the director of the Institute on the implementation of the decisions made by the council;
- (b) to take such decisions or actions as would accelerate the execution of the policy decisions of the council;
- (c) to consider and authorize any financial transactions or development proposals on behalf of the council;
- (d) to do anything which the council shall require to be done by the committee.

(3) The proceedings of any meeting of the committee shall be reported to the council at the next meeting of the council.

(4) The director of the Institute shall be one of the members of the committee appointed under subparagraph (1) and also be secretary to the committee.

(5) The chairman of the council shall be the chairman of the committee.

(6) The members of the committee shall have the same term of office as members of the council.

(7) The committee shall prescribe its own rules of procedure.

[Subsidiary]

12. Other committees

Without prejudice to Part IV, the council may appoint any committee for any special purpose connected with the Institute and may vest in such committee such powers, other than the power to appoint a director for the Institute and expenditure, and functions and impose such rules of procedure as the council shall make, and the members of such committee may include, but shall not exclusively consist of, members who are councillors.

PART V – MISCELLANEOUS PROVISIONS

13. Determination of questions

Any questions arising as to the construction of this Order or as to the regularity or validity of any act done or about to be done hereunder shall be determined by the Minister upon application made to him in 'writing for that purpose.

**EDUCATION (BOARD OF GOVERNORS) (ELDORET
POLYTECHNIC) ORDER, 1987**

ARRANGEMENT OF ORDERS

PART I – PRELIMINARY

Order

1. Citation.
2. Interpretation.

PART II – BOARD OF GOVERNORS

3. Establishment of Board.
4. Membership of Board.
5. Tenure of office of governors.
6. Vacancies on the Board.
7. Interest in property.
8. Governor not personally liable.
9. Meetings and procedure.
10. Representatives.

PART III – COMMITTEES AND PANELS

11. Executive committee.
12. Other committees.
13. Advisory panels.

PART IV – FUNCTIONS OF THE BOARD

14. Government of the Polytechnic.
15. Principal and staff.
16. Organization and curriculum.
17. Admission and exclusion of students.
18. Suspension of students.
- 19.
20. Vesting of Property in Board.

PART VI – GENERAL

21. Determination of questions.
-

[Subsidiary]

**EDUCATION (BOARD OF GOVERNORS) (ELDORET
POLYTECHNIC) ORDER, 1987**

[L.N. 120/1987.]

PART I – PRELIMINARY

1. Citation

This Order may be cited as the Education (Board of Governors) (Eldoret Polytechnic) Order, 1987.

2. Interpretation

In this Order, unless the context otherwise requires—

“**Board**” means the Board of Governors of the Eldoret Polytechnic established by paragraph 4;

“**governor**” means a member of the Board;

“**Polytechnic**” means Eldoret Polytechnic and includes any hostel of the Polytechnic;

“**principal**” means the principal of the Polytechnic;

“**staff**” means the staff of the Polytechnic;

“**student**” means any student of the Polytechnic.

PART II – BOARD OF GOVERNORS

3. Establishment of Board

There is hereby established a board of governors to be known as Eldoret Polytechnic Board of Governors which shall be a body corporate.

4. Membership of Board

(1) The Board shall consist of the following members—

- (a) a chairman appointed by the Minister;
- (b) two persons appointed by the Minister to represent the religious community in the Rift Valley Province;
- (c) one person nominated by each of the following bodies and appointed by the Minister—
 - (i) the Raymond Woolen Mills;
 - (ii) the Mumias Sugar Company;
 - (iii) the Kenya Association of Manufacturers;
 - (iv) the Central Organization of Trade Union (Kenya);
 - (v) the senate of the Moi University;
 - (vi) the Municipal Council of Eldoret;
 - (vii) the Webuye Pan Paper Company;
 - (viii) the Kenya Seeds Corporation;
 - (ix) the East African Tanning and Extract Company;
 - (x) the Kenya Creamery Co-operative;

[Subsidiary]

- (d) a person who is the chairman of an Advisory Panel set up under paragraph 13 unless he is already a governor by virtue of subparagraph (c);
- (e) a person appointed by the Minister to represent secondary schools in Kenya;
- (f) not more than three persons co-opted by Board.

(2) The Board shall appoint a secretary who may be a member of the Board.

(3) Neither the principal nor any member of the staff of the polytechnic may be a member of the Board, but the principal shall submit items of business for discussion by the Board and attend the meetings of the Board except when the Board shall otherwise determine, but shall not be entitled to vote.

5. Tenure of office of governors

Governors shall hold office for a period of three years and shall be eligible for re-appointment.

6. Vacancies on the Board

(1) Every vacancy on the Board shall be notified at once to the appointing authority.

(2) A governor who is absent from all meetings of the Board during a period of one year, or who is incapacitated from acting, or who is adjudicated a bankrupt, or who communicates in writing to the Board a wish to resign, shall thereupon cease to be a governor.

7. Interest in property

Except in special circumstances, with the approval in writing of the Minister, no governor shall acquire or hold any interest in any property belonging to the Polytechnic or receive any remuneration from, or be interested in, any contract in which the Polytechnic is concerned.

8. Governor not personally liable

No governor shall be subject to any personal liability in respect of any matter or thing done or omitted or any contract entered into by or on behalf of the Board.

9. Meetings and procedure

(1) The Board shall hold an ordinary meeting at least twice in each year; a special meeting may be summoned by the chairman, or shall be summoned by the chairman at the written request of any three governors; and two weeks notice shall be given to the governors of any meeting and of the matters to be discussed thereat.

(2) A quorum at any meeting of the Board shall be one-half of the members of the Board and, except as provided in paragraph 15(6), every matter shall be determined by a majority of the governors present and voting thereon.

(3) In the absence of the chairman from any meeting the members shall elect one of their number to be chairman of that meeting.

(4) The chairman shall have a casting vote only.

(5) Any meeting may be adjourned by resolution and if a sufficient number of governors to form a quorum is not present the meeting shall stand adjourned *sine die*.

(6) Any resolution of the Board may be rescinded or varied at a subsequent meeting if due notice has been given to all the governors.

[Subsidiary]

(7) The Board may invite persons who are not members of the Board to attend any meeting thereof, but no such person shall be entitled to vote on any matter, or except so far as the chairman shall allow, to take part in the proceedings.

(8) Subject to paragraph 20(2) all documents made by the Board shall be executed, and all decisions of the Board shall be signified under the hand of the chairman or of any member or officer of the Board authorized in that behalf.

10. Representatives

The following persons may appoint representatives who shall have a right to attend meetings of the Board and to speak thereat, but shall not have the right to vote—

- (i) the Minister;
- (ii) the Minister for the time being responsible for works;
- (iii) the Minister for the time being reasonable for labour;
- (iv) the Minister for the time being responsible for commerce and industry;
- (v) the Director of Personnel.

PART III – COMMITTEES AND PANELS

11. Executive committee

(1) The Board may establish an executive committee, in which may be vested any of the powers and functions of the Board with respect to the Polytechnic other than the power to appoint a principal and the power to approve estimates of expenditure.

(2) The executive committee may consider any matter, other than a matter vested in the executive committee under paragraph (1), for the purpose of submitting a report, with recommendations, to the next subsequent meeting of the Board.

(3) The proceedings of any meeting of the executive committee shall be reported to the Board at the next subsequent meeting of the Board.

(4) The executive committee shall consist of not less than four and not more than six members, who shall be appointed by the Board from among the members of the Board.

(5) The chairman of the Board shall be an *ex officio* member of the executive committee.

(6) The executive committee shall appoint its own chairman and establish its own rules of procedure.

(7) The members of the executive committee shall be appointed annually and members shall be eligible for re-appointment on retirement.

12. Other committees

The Board may from time to time appoint any committee for any special purpose connected with the Polytechnic and may vest in such committee such powers, other than the power to appoint a principal and the power to approve estimates of expenditure, and functions and impose on it such rules of procedure as the Board may decide and the members of the committee may include, persons who are not governors:

Provided that the chairman of the Board shall be an *ex officio* member of any such committee.

13. Advisory panels

(1) The Board may appoint such Advisory Panels as it may consider necessary for the proper organization and development of the work of the Polytechnic.

[Subsidiary]

- (2) The function of an Advisory Panel shall be to advise the principal on—
- (a) the organization of courses in a department or section of the Polytechnic;
 - (b) the examinations for which students in such department or section should be entered;
 - (c) requirements of industry and commerce both as regards the numbers of students and the character of training;
 - (d) arrangements for industrial or commercial experience during training; and
 - (e) any other matter relating to such department or section.

(3) The chairman of an Advisory Panel shall be appointed by the Board and may be a governor appointed under paragraph 4(1)(c).

(4) The members of an Advisory Panel, other than the chairman, shall be appointed by the Board from among persons with relevant experience of industry and commerce or of industrial or commercial education and may include governors.

(5) The rules of procedure of an Advisory Panel shall be made by the Panel.

PART IV – FUNCTIONS OF THE BOARD

14. Government of the Polytechnic

The Polytechnic shall be governed by the Board in accordance with the provisions of the Act and any rules and regulations made thereunder, the Teachers Service Commission and this Order.

15. Principal and staff

(1) The Board shall appoint a principal of the Polytechnic.

(2) The Board shall appoint, after taking into consideration the advice of the principal, suitable teaching and non-teaching staff.

(3) The power of the Board to appoint staff shall include the power to appoint persons seconded to the service of the Board by the Government or by any other employer.

(4) Every teacher shall be employed in accordance with terms of service approved by the Minister.

(5) The appointment and dismissal of the principal or of any member of the teaching staff of the Polytechnic shall be subject to the approval of the Minister.

(6) The Board may, by resolution passed by not less than two thirds of the Governors present and voting at a special meeting convened for the purpose, request the Minister or any other employer, as the case may be, to terminate the secondment of any person seconded to the service of the Board under subparagraph (3).

(7) No proposal to dismiss a person employed by the Board, or to terminate his contract, or to request the Minister or any other employer to terminate the secondment of a person seconded to the service of the Board, on grounds of misconduct or grave professional default, shall be decided until the person has been given an opportunity to appear in person before the Board.

16. Organization and curriculum

(1) Subject to paragraph 14 and the Minister's power to determine the general educational character of the Polytechnic and its place in the educational system of Kenya, the Board shall have the general direction of the conduct and curriculum of the Polytechnic:

[Subsidiary]

Provided that nothing done or resolved by the Board at any meeting thereof shall be held to be validly done or resolved if or to the extent that it contravenes the terms of any agreement entered into by the Government with respect to the Polytechnic in force at the time of that meeting.

(2) All proposals and reports affecting the policy and curriculum of the Polytechnic shall be submitted formally to the Board and the Minister shall be furnished with a copy thereof at least fourteen days before such proposals and reports are considered by the Board.

(3) Subject to this Order, the principal shall control the internal organization, management and discipline of the Polytechnic, shall exercise supervision over the teaching and non-teaching staff, and shall be personally responsible to the Board for fostering and maintaining high standards of conduct and endeavour among the staff and students of the Polytechnic.

(4) There shall be full consultation at all times between the principal and the chairman of the Board and between the principal and the chief officer of the Ministry concerned with technical education.

17. Admission and exclusion of students

(1) Subject to the Act and any rules and regulations made thereunder, the Board shall regulate the admission and exclusion of students.

(2) The principal may perform any of the functions under this paragraph subject to such conditions and directions as the Board may deem fit.

(3) The exclusion of any student shall be reported to the Minister.

18. Suspension of students

(1) The principal shall have power to suspend any student from attendance at the Polytechnic for any cause which he considers adequate and for a period not exceeding thirty days.

(2) Before the expiry of any period of suspension, the matter shall be reported by the principal to the Board or to any committee in which the powers of the Board in respect of the exclusion of students have been vested under paragraph 11 or 12.

19. (1) The Board shall prepare annual estimates of revenue and expenditure, in such form and at such time as the Minister shall prescribe, for submission to the Minister.

(2) The Board may incur expenditure for the purposes of the Polytechnic in accordance with estimates which have been approved by the Minister:

Provided that the approved expenditure under any head of the estimates may not be exceeded without the prior approval of the Minister in writing

(3) The Board shall receive all fees payable or in respect of students, all grants made out of public funds, whether for capital or revenue purposes, and any subscriptions, donations or bequests made to the Polytechnic.

(4) Nothing in this Order shall affect the terms and conditions upon which any grant may be made to the Board in aid of the Polytechnic out of public funds.

(5) The Board may with the approval of the Minister and subject to any restrictions, imposed by law, appeal to the general public for subscriptions, donation or bequests for the benefit of the Polytechnic.

(6) The principal shall control the day-to-day expenditure connected with the running, of the Polytechnic and shall present an account of that expenditure to the Board as and when it may direct.

[Subsidiary]

(7) The Board shall pay all expenses connected with the Polytechnic including the salaries of the principal and teaching and non-teaching staff:

Provided that the personal emoluments of any person seconded to the service of the Board by the Government or by any other employer under paragraph 15(3) shall, in the first instance, be paid by the Ministry or by such other employer and may, at the discretion of the Minister or such other employer, as the case may be, be recovered from the Board.

(8) Any unexpended balance of grant may be carried forward in the accounts of the Polytechnic from one calendar year to the next and the Board may make proposals for the final disposal of such unexpended balance, which shall be at the discretion of the Minister, who may take the balance into account when assessing the following year's grant.

(9) The Board shall, subject to any matter prescribed under section 70 of the Act, or to the approval of the Minister, determine the scales of fees and hostel charges payable by or in respect of students at the Polytechnic and prescribe the conditions under which fees may be remitted in whole or in part.

(10) The Board may, with the approval of the Minister, provide bursaries or scholarships to assist in the education, maintenance or transport of students who are undergoing courses of instruction at the Polytechnic and prescribe the conditions under which the bursaries or scholarships may be granted or withdrawn.

(11) The Board shall furnish the Minister with a certified copy of the audited annual statement of accounts and such other information about the revenue, expenditure, assets and liabilities of the Polytechnic as he may from time to time require.

(12) The Board shall be responsible for making arrangements to raise any loan which the Minister may, at the request of the Board, authorize the Board to raise for the purpose of the Polytechnic and shall ensure that proper provision is made for the repayment of all interest and other charges thereon in accordance with any order made by the Minister in the matter.

20. Vesting of Property in Board

(1) All movable and immovable property, shares, funds and securities which are now the property of, and which may from time to time become the property of, or be provided for the purposes of, the Board shall be in the name of the Board of Governors of the Eldoret Polytechnic and shall be dealt with in such manner as the Board may from time to time determine, subject to the conditions upon which any grants are made from public funds for capital or recurrent purposes and the condition upon which any endowment, bequest or donation is made for any purpose connected with the Polytechnic.

(2) *Custody of common seal.*—The common seal of the Board shall be in the custody of the secretary of the Board and shall be signified by the chairman of the Board or such other governor as the Board may by resolution appoint and by any one other governor.

PART VI – GENERAL

21. Determination of questions

Any question arising as to the construction of this Order or as to the regularity or validity of any act done or about to be done hereunder shall be determined conclusively by the Minister upon application made to him for that purpose.

**EDUCATION (BOARD OF GOVERNORS) (NON-TEACHING STAFF)
REGULATIONS, 1993**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
 2. Interpretation.
 3. Appointment of non-teaching staff.
 4. Terms and conditions of employment for non-teaching staff.
 5. Employment of semi-professional by the Board.
 6. Board to deal with claims and grievances.
 7. Seconded staff.
 8. Dismissal and termination of employment.
 9. Determination of issues.
-

[Subsidiary]

**EDUCATION (BOARD OF GOVERNORS) (NON-TEACHING STAFF)
REGULATIONS, 1993**

[L.N. 262/1993.]

1. Citation

These Regulations may be cited as the Education (Board of Governors) (Non-Teaching Staff) Regulations, 1993.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**Board of Governors**” means a board of Governors established under the Education (Board of Governors) Order;

“**non-teaching staff**” means all employees of the Board of Governors who are not engaged in teaching or research.

3. Appointment of non-teaching staff

Each Board shall have the powers to manage the school, college or any other institutions for which it is established and for that purpose to engage, promote, demote or terminate the services of any of its employees.

4. Terms and conditions of employment for non-teaching staff

Persons belonging to a professional cadre and employed by the Board shall be employed on such terms and conditions of service similar to those recommended for equivalent posts in the Civil Service and as per the applicable scheme of service.

5. Employment of semi-professional by the Board

The Board may appoint suitable semi-professional and subordinate staff, on such terms and conditions as shall be determined by the Board.

6. Board to deal with claims and grievances

Where a claim or grievance arises from an employee of the Board, the Board shall deal with the claim or grievance exhaustively in accordance with the Employment Act (Cap. 226).

7. Seconded staff

(1) All members of staff seconded to the Board, shall be under the control of the Board.

(2) Notwithstanding the provisions of paragraph (1) the Board may, by a resolution passed by two-thirds of the Governors present and voting, at a special meeting, convened for the purpose, request the Minister to terminate the secondment of any person seconded for service to the Board.

8. Dismissal and termination of employment

(1) The Board of Governors shall reserve the right to dismiss any of its employees instantly and without notice or pay in lieu of notice for reasons of gross misconduct as provided in the Employment Act (Cap. 226).

(2) The Board shall not decide on a proposal to—

- (a) dismiss from employment any person employed by the Board;

[Subsidiary]

- (b) terminate a contract between the Board and its employees;
- (c) request the Minister to terminate the services of a person seconded to the Board,

on grounds of misconduct or grave professional default, until the person concerned has been given an opportunity to appear in person before the Board and has presented his defence.

(3) Subject to the provisions of paragraph (1) where a member of non-teaching staff is entrusted as an agent of the Minister to perform certain functions and such officer fails or neglects to perform the duties so assigned and sufficient grounds exist to discipline, terminate or dismiss the officer from the service, the Minister shall direct the cause of action to be taken against that officer and the Minister's decision shall be final.

9. Determination of issues

Any issue arising as to the construction of these Regulations or on any act done or about to be undertaken under them shall be determined conclusively by the Minister.

EDUCATION (NATIONAL ADVISORY BOARD) (ESTABLISHMENT) ORDER, 1996

ARRANGEMENT OF ORDERS

Order

1. Citation.
 2. Establishment.
 3. Constitution of the Board.
 4. Functions of the Board.
 5. Procedures of the Board.
 6. Quorum of the Board.
 7. Vacancy of office.
 8. Resolution of the Board.
 9. Determination of disputes.
-

[Subsidiary]

EDUCATION (NATIONAL ADVISORY BOARD) (ESTABLISHMENT) ORDER, 1996

[L.N. 16/1996.]

1. Citation

This Order may be cited as the Education (National Advisory Board) (Establishment) Order, 1996.

2. Establishment

There is hereby established a Board to be known as the National Education Advisory Board.

3. Constitution of the Board

(1) The Board shall consist of—

- (a) a chairman to be appointed by the Minister;
- (b) the Director of Education who shall be the secretary;
- (c) the Permanent Secretary, Ministry of Education;
- (d) the Director of Technical Training;
- (e) the Director of Adult Education;
- (f) the Director of Children's Services;
- (g) the Secretary to the Commission for Higher Education;
- (h) the Chief Inspector of Schools;
- (i) the Executive Director of the Federation of Kenya Employers;
- (j) a representative of the Kenya Catholic Secretariat;
- (k) a representative of the Christian Churches Educational Association;
- (l) a representative of the Hindu Council of Kenya;
- (m) a representative of the Supreme Council of Kenya Muslims;
- (n) representatives from the Provincial Education Boards;
- (o) not more than five persons to represent other education interests, at least two of whom shall be women.

(2) Members of the Board referred to in paragraph (j) to (o) shall be appointed by the Minister.

4. Functions of the Board

The functions of the National Education Advisory Board shall be—

- (a) to advise the Minister on the organization and curricula of schools and the fees to be charged in public schools;
- (b) to initiate proposals on legislation affecting education;
- (c) to deliberate upon any matters affecting education submitted by any eight members of the Board;
- (d) to advise the Minister on all matters arising from the Provincial Education Boards which may be of general interest;
- (e) to receive grants or grants-in-aid from the public and disburse the same to the District Education Boards for administration;
- (f) to submit to the Minister for approval national plans for the development or promotion of education;

[Subsidiary]

- (g) to superintend the management of public and private schools and advise the Provincial Education Boards and District Education Boards;
- (h) to submit such statistical, financial and other reports as the Minister may require;
- (i) to advise on and perform such other functions as the Minister may require.

5. Procedures of the Board

(1) The National Education Advisory Board shall meet not less than once a year and at such other times the Minister may request:

Provided that on receipt of a written requisition signed by eight members, the chairman shall within six weeks of such receipt summon a meeting of the Board.

(2) It shall be the duty of the chairman to report to the Board the action taken on any matter on which the Board has advised the Minister.

6. Quorum of the Board

The National Education Advisory Board shall at its first meeting decide the number of members required to constitute a quorum.

7. Vacancy of office

The office of a member, other than an *ex officio* member shall fall vacant—

- (a) upon his death;
- (b) if the Minister is satisfied that such a member is by reason of his physical or mental infirmity unable to execute the functions of his office; or
- (c) if the member submits his resignation in writing to the Minister through the secretary to the Board.

8. Resolution of the Board

A resolution at a meeting of the National Education Advisory Board shall require the affirmative votes of one half of the members present except the Chairman who shall have a casting vote only.

9. Determination of disputes

Any dispute relating to the interpretation of this Order shall be determined by the Minister.

**EDUCATION (PROVINCIAL EDUCATION BOARDS)
(ESTABLISHMENT) ORDER, 1996**

[L.N. 17/1996.]

1. This Order may be cited as the Education (Provincial Education Boards (Establishment) Order, 1996.

2. There is hereby established a Provincial Education Board for each province in Kenya to be known as the Provincial Educational Board which shall exercise jurisdiction over the area for which it has been appointed.

3. Each Provincial Education Board shall consist of—

- (a) the Provincial Commissioner, who shall be chairman;
- (b) the Provincial Director of Education, who shall be secretary;
- (c) the Provincial Technical Training Officer;
- (d) the Provincial Director of Adult Education;
- (e) the Provincial Children's Officer;
- (f) one person to represent the Permanent Secretary to the Minister of Education;
- (g) one person to represent the Kenya Catholic Secretariat;
- (h) one person to represent the Hindu Council of Kenya;
- (i) one person to represent the Supreme Council of Kenya Muslims;
- (j) five persons to represent churches which are members of the Christian Church Educational Association;
- (k) not more than five other persons, being persons involved in matters relating to education within the province, at least two of whom shall be women.

4. The members referred to in (g) to (k) above shall be appointed by the Minister.

KENYA EDUCATION PERFORMING ARTS FOUNDATION ORDER, 1996

ARRANGEMENT OF ORDERS

Order

1. Citation.
2. Interpretation.

PART II – FUNCTIONS OF THE FOUNDATION

3. Establishment and functions of Foundation.

PART III – PATRON

4. Patron of Foundation.

PART IV – COUNCIL OF THE FOUNDATION

5. Establishment of the Council.
6. Membership of the Council.
7. Tenure of office of members.
8. Meeting and procedure of the Council.
9. Managing Director and staff of the Council.
10. General management of the foundation.

PART V – FINANCIAL PROVISIONS

11. Financial year.
12. Funds for the foundation.
13. Annual estimates.

PART IV – ESTABLISHMENT OF THE FUND

14. Establishment of the Fund.
- 15.
16. Annual Accounts, etc.
17. Auditor.

PART VII – PROPERTY OF THE FOUNDATION

18. Vesting of property in the Foundation.
19. Savings.

PART VIII – FINANCE A GENERAL PURPOSES COMMITTEE

20. Finance and General Purposes Committee.

PART IX – PERFORMING ARTS FUND TRUSTEES

21. Performing Arts Fund Trustees.
22. Tenure, meetings and procedure of Trustees.
23. Chairman of Trustees.
24. Functions, powers and responsibilities of Trustees.
- 25.

[Subsidiary]

PART X – NATIONAL EXECUTIVE COMMITTEES FOR MUSIC AND DRAMA,
KENYA SCHOOLS AND COLLEGES SPORTS COUNCIL AND NATIONAL
CONGRESS ON SCIENCE AND TECHNOLOGY

Order

26. National executive committees.
 - 27.
 28. Tenure, meetings and procedure of the executive committees.
 29. Staff of the executive committees.
 30. Function of the Executive Committees.
 31. Powers of the executive committees.
 32. Responsibilities of the executive committees.
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KENYA EDUCATION PERFORMING ARTS FOUNDATION ORDER, 1996

[L.N. 2/1997.]

1. Citation

This Order may be cited as the Kenya Education Performing Arts Foundation Order, 1996.

2. Interpretation

In this Order, except where the context otherwise requires—

“**Chairman**” means the Chairman of the Council;

“**Council**” means the Council of the Foundation established under paragraph 5;

“**Foundation**” means Kenya Education Performing Arts Foundation;

“**Member**” means a member of the Council;

“**Fund**” means Performing Arts activities winners Bursary, Aid and Scholarships Fund;

“**Performing Arts**” means music, drama, sports and congress on science and technology;

“**Winners**” means persons of any age, race, or creed who are for the time being ordinarily resident in Kenya and are talented and most meritorious of the schools and colleges performing arts activities.

PART II – FUNCTIONS OF THE FOUNDATION**3. Establishment and functions of Foundation**

(1) There shall be established a Foundation known as the Kenya Education Performing Arts Foundation which shall be charged with the responsibility of carrying out the functions specified in subparagraph (2).

(2) The Functions of the Foundation shall be—

- (a) to advise the Minister on any matters concerning performing arts activities in Kenya.
- (b) to promote, preserve, encourage and develop music, drama, sports and congress on Science and Technology within Kenya’s educational institutions;
- (c) to provide, organize and co-ordinate a forum for up and coming—
 - (i) sportsmen and scientists; and
 - (ii) performers of music and drama, to express their talents and works;
- (d) to promote, preserve and develop Kenya’s cultural heritage and values;
- (e) to select and intergrate positive cultural values of the international communities;
- (f) to plan and provide policy guidelines for effective organization of performing Arts activities within and for the educational institutions;
- (g) to promote and contract the promotion of the performing arts activities and shows organized by the Foundation through the media, electronic, print or otherwise;

[Subsidiary]

- (h) to educate and train adjudicators, umpires, judges, coaches, referees, resource personnel, teachers and students of music, drama, sports and science and technology through seminars, workshops, clinics and symposia useful in raising the standards of performance;
- (i) to produce, print, publish, distribute, market and disseminate information on performing arts through newsletters, brochures, periodicals, books, music sheets, scripts, photographs, television or cinematographic films, video tapes, sound recordings, slides, and any other media suitable for the promotion of objects of the Foundation;
- (i) to establish and manage a school of performing arts which shall offer certificate and diploma courses;
- (k) to establish and operate cultural, social and resource centres for promotion and attainment of the Foundation objects;
- (l) to expose, promote and popularize performing arts activities amongst members of the community;
- (m) to establish, manage, invest and administer a permanent endowment Bursary, Aid and Scholarships Fund for winners of performing arts activities;
- (n) to raise funds for the benefit of the Foundation by appealing to the general public for subscriptions, donations, bequests, and by raising fees for competitions, festivals or otherwise, and to participate in or otherwise assist in the promotion of fund raising activities, fetes, bazaars, theatrical productions, concerts, sports meetings or other forms of entertainment, and such other things whose object is to raise money for the purpose of the Foundation;
- (o) to enter into partnership or any arrangement for union of interests, co-operation, reciprocal concession or otherwise, with any person or company carrying on or engaged in, or about to carry out or engage in, any business or transaction capable of being conducted so as directly or indirectly to benefit the Foundation;
- (p) to enter into any arrangement with any Government authorities, central, municipal, local or otherwise, that may seem conducive to the Foundation's objects or any of them, and to obtain from such body any rights, privilege and concessions which the Foundation may think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;
- (q) to apply to any Government or local authorities, public bodies, companies or persons for and to accept grants of money and of land, donations, gifts, subscriptions and other assistance with a view to promoting the objects of the Foundation and, in taking any gift of property, to take the same subject to any special trust which may be prescribed by the donor thereof;
- (r) to purchase, take on lease or by any other legitimate means acquire any movable or immovable property in the Republic of Kenya for any estate or interest whatever, and any rights and privileges over or in respect of any property or buildings or things whatsoever;
- (s) to obtain any order for enabling the Foundation to carry any of its objects into effect, or for the affecting or modification of the Foundation's constitution, or for any proceedings or applications which may seem calculated, directly or indirectly, to prejudice the Foundation's interest;
- (t) to affiliate with any other association in or outside the Republic of Kenya having projects altogether or in part similar to those of the Foundation.

PART III – PATRON

4. Patron of Foundation

The President of the Republic of Kenya shall be the patron of the foundation.

PART IV – COUNCIL OF THE FOUNDATION

5. Establishment of the Council

There shall be a council to be known as the Council of the Kenya Education Performing Arts Foundation.

6. Membership of the Council

(1) The Council shall consist of the following members—

- (a) a Chairman appointed by the Minister;
- (b) the Director of Education;
- (c) the Chief Inspector of Schools;
- (d) the Director, Department of Culture;
- (e) the Commissioner of Sports;
- (f) the Chairman, Permanent Presidential Music Commission;
- (g) a Vice-Chancellor from a University offering a degree or diploma in music, drama, physical education and science who shall be appointed by the minister;
- (h) the Director, Technical Training and Technology;
- (i) the Chairman, National Council of Science and Technology; .
- (j) two representatives of the business community who shall be appointed by the minister;
- (k) one representative from the Ministry of Information and Broadcasting;
- (l) the Chairman, National Executive Committee for Drama;
- (m) the Chairman, National Executive Committee for Music;
- (n) the Chairman, Kenya Colleges and Schools Sports Council;
- (o) the Chairman, National Students Congress on Science and Technology;
- (p) the Managing Director of the Foundation who shall be the Secretary to the Council.

(2) The Chairman may, with the approval of the Minister co-opt any person whose skills, knowledge or experience may be useful to the Council or to any committee of the Council.

7. Tenure of office of members

(1) The members shall hold office for a period of three years, and shall be eligible for re-appointment.

(2) A member may resign his office by writing under his hand delivered to the Chairman of the Council.

(3) Every Council member shall have the right to appoint a proxy with full power to act, vote and speak in his place at any meeting which he is himself unable to attend.

[Subsidiary]

- (4) A member shall be deemed to have vacated his office if he—
- (a) becomes bankrupt or compounds with his creditors;
 - (b) is absent from three consecutive meetings of the Council without permission from the Chairman;
 - (c) suffers from mental disorder or from physical incapacity.

8. Meeting and procedure of the Council

(1) The Council shall hold an ordinary meeting at least three times in each year and each meeting shall be convened by the Chairman.

(2) The Chairman may at any time call a special meeting of the Council, and shall call a special meeting within twenty-eight days of receiving a requisition for that purpose addressed to him in writing by any three members.

(3) The Chairman shall give two weeks notice to all the members of any meeting and the agenda thereat.

(4) A quorum of the Council shall be one in excess of half the total number of members.

(5) The decision of the Council shall be by a majority of votes of the members present and voting and the member presiding at each meeting shall have a deliberative vote and, in the event of an equality of votes, he shall have a casting vote.

(6) The Chairman shall preside at all meetings of the Council at which he is present.

(7) In the absence of the Chairman, the members shall elect one of the members present at the meeting to be the Chairman of that meeting.

(8) All documents made, and all decisions of the Council may be signed under the hand of the Chairman, or of any member or officer of the Council authorized in that behalf.

9. Managing Director and staff of the Council

(1) The Minister shall in consultation with the Council appoint—

- (a) the Managing Director of the Foundation;
- (b) the Deputy Managing Director incharge of Finance and Administration; and
- (c) the Deputy Managing Director incharge of Performing Arts;

(2) The Council shall appoint a suitable professional, technical and supporting staff.

(3) The power of the Council to appoint staff shall include the power to approve persons seconded to the service of the Foundation.

(4) The Council may, by resolution passed by not less than two-thirds of the members present and voting at a special meeting convened for the purpose, request the termination of the secondment of any person seconded to the service of the Foundation under subparagraph (3).

(5) No final decision to dismiss a person employed by the Council, or to terminate a contract or to request the termination of the secondment of a person seconded to the service of the Foundation, on grounds of misconduct, grave professional default or inefficiency shall be reached, until the person has been given the opportunity to appear in person before the Council.

10. General management of the foundation

(1) Subject to paragraph (2) of this paragraph and to the Minister's power to determine the specific functions of the Foundation and its place in the educational system of Kenya, the Council shall have the power of general management of the Foundation.

[Subsidiary]

(2) Nothing done or resolved by the Council at its meeting shall be held to be validly done or resolved if or to the extent that it contravenes the terms of any agreement entered into by the Government with respect to the Foundation in force at the time of such a meeting.

(3) All proposals and reports affecting the policy and functioning of the Foundation shall be submitted formally to the Council, and the Minister shall be furnished with a copy thereof at least fourteen days before such proposals and reports are considered by the Council.

(4) Subjects to the provisions of this Order, the Managing Director of the Foundation shall control the internal organization, management and discipline of the Foundation, exercise supervision over the technical and supporting staff, and shall be responsible to the Council and fostering and maintaining high standards of conduct among the staff of the Foundation.

(5) The Council shall seek and accept professional or other advice with regard to the performance of any of the functions of the Council with or without payment for such advice.

PART V – FINANCIAL PROVISIONS

11. Financial year

The financial year of the Foundation shall be from 1st July to 30th June of the following year.

12. Funds for the foundation

The Council may, with the approval of the Minister and subject to any restrictions imposed by law raise funds for the benefit of the Foundation by—

- (a) appealing to the general public for subscriptions, donations and bequests;
- (b) collecting fees for competitions, festivals, matches, courses, seminars, workshops, symposia, clinics or otherwise;
- (c) participating in or otherwise assisting in the promotion of fetes, bazaars, theatrical productions, concerts, sports, meetings, exhibitions, or other forms of entertainment, and such other events whose object is the raising of money for the Foundation;
- (d) applying to any Government or local authorities, public bodies, companies or persons for and accepting grants of money and of land, donations, gifts, subscriptions and other assistance a view to promoting the objects of the Foundation

13. Annual estimates

(1) The Council shall prepare annual estimates of revenue and expenditure, in such form and at such time as the Minister shall prescribe, for submission to the Minister.

(2) The Council may incur expenditure for the purpose of the Foundation in accordance with estimates which have been by the minister, and any approved expenditure under any head of the estimates may not be exceeded without the prior approval of the Minister in writing.

(3) The Council shall receive all grants made out of public funds, whether for capital or revenue purposes, and membership fees, subscriptions, donations or bequests made to the Foundation.

(4) Nothing in this order shall affect the terms and conditions upon which any grant may be made to the Council in aid of the Foundation out of public funds.

(5) The Council may, with the approval of the Minister and subject to any restrictions imposed by law, appeal to the general public for subscriptions, donations or bequests for the benefit of the Foundation.

[Subsidiary]

(6) The Managing Director of the Foundation shall control the day-to-day expenditure connected with the running of the Foundation, and shall present any account of such expenditure to the Finance and General Purposes Committee which shall take necessary action on behalf of the Foundation.

(7) The Council may, with the approval of the Minister, pay all expenses connected with the Foundation, including the salaries of the Managing Director of the Foundation and those of other staff; but the personal emoluments of persons seconded to the service of the Foundation under paragraph 9(3) shall be paid by the seconding authority.

(8) Any unexpended balance of a grant may be carried forward in the accounts of the Foundation from one year to the next and be expended as the Council may determine, or be put into the account of the Foundation.

(9) All moneys from time to time received by or on behalf of the Council shall be paid forthwith into a bank or banks selected by the Council and (with the expectation only of any imprest accounts opened by the Council for operation by specified officers), the Council shall not authorize any withdrawal from the accounts without the express approval of the Minister.

PART IV – ESTABLISHMENT OF THE FUND**14. Establishment of the Fund**

(1) There is hereby established a fund to be known as the Kenya Education Performing Arts Foundation Fund.

(2) The object and purpose of the Fund is to provide funds to be used for giving out bursaries, aid and scholarships to winners.

(3) The Fund shall be managed and administered by the Council.

15. (1) The Council may from time to time, with the consent of the Minister, retain or pay out the income of the Fund all expenses reasonably incurred in raising or receiving contributions to the Fund or in the administration of the Fund.

(2) Subject to only the retention or payment of expenses as hereinbefore provided the Council shall use the income of the Fund (but not any part of the capital thereof) solely for the benefit of the persons of any age, race or creed or nationality who are talented and most meritorious winners of the schools and colleges performing arts activities and are for the time being normally resident in the Republic of Kenya (hereinafter called "the winner") in one or more of the manners following that is to say—

- (a) subsidising statutory school/college tuition fees in a registered or approved educational institution; or an educational institution established by an Act of Parliament and whose educational activities are recognized by the Ministry, of Education; or
- (b) by way of contributing to stipulated scholarships as a prerequisite for admission into a course of study in a school or college within or outside Kenya;
- (c) by subsidising the expenses for purchase of materials required as the furtherance of relevant theoretical and/or practical skills;
- (d) in purchase and gift or loan or an educational institution, such as school of performing arts, of equipment of any kind which the Council considers to be needed for the training and maintenance of high standards in the respective areas of specialization of the winners.

(3) The Council shall not be required to disburse the whole net income of the Fund during the year in which such income is received; any balance thereof may be

accumulated (with or without investment of the same) and used by them as income for the benefit of the winner as hereinbefore provided in any subsequent year or years.

(4) Notwithstanding anything to the contrary herein appearing the Council may accept donations of money or gifts in kind to be used for the benefit of the winners either collectively or individually in any such special manner (including the expenditure of capital moneys) as the donor thereof may expressly direct and shall use all such money and gifts in kind only in accordance with such express directions.

(5) In applying the income of the Fund or any such special donations of money or gifts in kind for any of the purposes hereinbefore provided the Council may take such measures by way of examining scholarships forms and documents or requiring accounts and vouchers or otherwise as they think necessary or desirable to ensure the proper application thereof but shall not be legally responsible for any money, equipment or gifts in kind after payment or delivery thereof to a responsible officer of the institution concerned or the Government (as the case may be) and signature by such officer of a written receipt for the same with acknowledgement of the precise purpose for which it has been paid or delivered to him or her.

(6) The Fund shall be invested by the Council in the name of the Foundation in such manner as is for the time being authorized by the law of Kenya for investment and Trust Funds.

(7) The Council shall have power with the consent of the Minister—

- (a) to solicit by public appeal or otherwise donations either in cash or in kind whether for the general purposes of the Fund or for any special purpose which is within the objects of the Fund;
- (b) to construct buildings and other improvements on any immovable property in which the Fund is for the time being invested and for any such purpose to resort to the capital of the Fund;
- (c) to repair, insure and otherwise maintain any such immovable property as aforesaid and to pay all outgoings in respect thereof;
- (d) to grant leases and tenancies of any such immovable property as aforesaid for such periods and on such terms as regards rent or otherwise as the Council thinks expedient;
- (e) to borrow such money as the Council may from time to time require for purpose or development of any property in which the Fund is for the time being invested or about to be invested as provided by subparagraph 6 hereof upon such terms as to interest and repayment as the Council thinks proper whether with or without a charge on any such property or any other part of the Fund as security therefor;
- (f) to borrow money by way of overdraft without security for any other purpose of this Fund so far as the same can and will be repaid out of the income of the Fund within the next twelve calendar months;
- (g) generally (and without limitation of such generality by the fore-going context) to do all such acts and things as may seem to them to be necessary or desirable as directly or indirectly conducive towards fulfillment of any of the objects of this Fund.

(8) All or any of the provisions of these presents in paragraph 15 or the basic objects of providing benefits for winners may at any time or times be modified or extended in such manner and to such extent as the Council may from time to time determine with the consent of the Minister.

[Subsidiary]

16. Annual Accounts, etc.

(1) The Council shall furnish the Minister with a certified copy of the audited annual statement of accounts and such other information about the revenue, expenditure, assets and liabilities of the Foundation as he may require.

(2) The Council shall be responsible for making arrangements to raise any loan which the Minister may, at the request of the Council, authorize the Council to raise for the purpose of the Foundation, and shall ensure that proper provision is made for the repayment thereof and payment of all interest and other charges thereon in accordance with any order made by the Minister in the matter, or in accordance with the terms and conditions of the loan.

17. Auditor

All the Foundation's accounts, records and documents shall be audited by the Controller and Auditor-General.

PART VII – PROPERTY OF THE FOUNDATION

18. Vesting of property in the Foundation

All such immovable property, shares, funds and securities as may from time to time become the property of the Foundation shall be in the name of the Kenya Education Performing Arts Foundation and shall be dealt with in such manner as the Council may from time to time determine, subject to the conditions upon which any grants are made from public funds for capital or recurrent purposes and the condition upon which any endowment, bequest or donation is made for any purposes connected with the Foundation.

19. Savings

The Kenya Education Performing Arts Foundation is successor to the Kenya Music Festival (Educational Institutions) Foundation and the Kenya Schools and Colleges Sports Council both established under the Societies Act (Cap. 108), and subject to this Order, all rights, duties, obligations, assets and liabilities of the Kenya Music Festival (Educational Institutions) Foundation and the Kenya Schools and Colleges Sports Council, shall be automatically and fully transferred to the Kenya Education Performing Arts Foundation and any reference to the former Foundation and former Sports Council in any contract or document prior to the commencement of this order shall for all- purposes be deemed to be reference to the Foundation established under this order.

PART VIII – FINANCE AND GENERAL PURPOSES COMMITTEE

20. Finance and General Purposes Committee

(1) The Council shall appoint the Finance and General Purposes Committee (hereinafter in this part referred to as the "General Committee") consisting of not less than five and not more than seven members.

(2) The Functions of the General Committee shall be—

- (a) to give guidance to the managing director of the Foundation in the implementation of the decisions;
- (b) to take such decisions or action as would accelerate the execution of the policy, decisions of the Council;
- (c) to consider and authorize any financial transactions or development proposals on behalf of the Foundation;
- (d) to do anything which the Council shall require to be done by the General Committee.

[Subsidiary]

(3) The proceedings of any meeting of the General Committee shall be reported to the Council at the next meeting of the Council.

(4) The managing director of the Foundation shall be the Secretary and *ex officio* member of the General Committee.

(5) The Chairman of the Council shall be the Chairman of the General Committee.

(6) The Committee shall have its own rules of procedure.

PART IX – PERFORMING ARTS FUND TRUSTEES

21. Performing Arts Fund Trustees

The Council shall establish the Performing Arts Fund Trustees (hereinafter in this part referred to as the “Trustees”) consisting of not less than seven members appointed by the Chairman with the approval of the Minister.

22. Tenure, meetings and procedure of Trustees

The provisions of paragraph 7(1), (2), (4) and 8 shall apply *mutatis mutandis* in respect of tenure of members, the meetings, etc. of the Performing Arts Fund Trustees.

23. Chairman of Trustees

The Minister shall appoint one of the Council members the chairman of the Trustees.

24. Functions, powers and responsibilities of Trustees

The Trustees shall have functions, powers and responsibilities as follows—

- (a) Drawing up rules, regulations and modalities for award of bursaries, aid and scholarships to the winners of the performing arts activities.
- (b) Keeping and maintenance of detailed up-to-date records of the issued awards.
- (c) Examining bursary, aid and/or scholarship documents, accounts and vouchers or otherwise according to the forwarded requests and proposals; to ensure proper application of the Fund by the Council.

25. The Trustees shall cause minutes to be made of all names of members present and of all resolutions and proceedings at all meetings.

PART X – NATIONAL EXECUTIVE COMMITTEES FOR MUSIC AND DRAMA, KENYA SCHOOLS AND COLLEGES SPORTS COUNCIL AND NATIONAL CONGRESS ON SCIENCE AND TECHNOLOGY

26. National executive committees

The Council shall establish the National Executive Committee for Music, the National Executive Committee for Drama, the Kenya Schools and Colleges Sports Council and the Congress on Science and Technology (hereinafter in this part referred to as Executive Committees).

27. Each of the National Executive Committees shall consist of—

- (a) the Chairman appointed by the Minister;
- (b) the Executive Secretary who shall be seconded to the Council by the Director of Education;
- (c) the Treasurer who shall be a staff member of the Council;

[Subsidiary]

- (d) not more than seven and not less than four members appointed by the Chairman with the approval of the Minister;
- (e) the Chairman so appointed shall be a member of the Council by virtue of such appointment.

28. Tenure, meetings and procedure of the executive committees

The provisions of paragraphs 7(1), (2), (4) and 8(4), (5), (6), (8) shall apply *mutatis mutandis* in respect of tenure of members, the meetings, etc., of the executive committees.

29. Staff of the executive committees

(1) The respective members of the executive committees shall at the first meeting in every calendar year elect one of their members to be vice-chairman until the first meeting in the next calendar year.

(2) The executive secretary shall deal with all correspondence of each of the respective executive committees. In cases of urgent matters where the respective committees cannot be consulted, he shall consult the chairman or if he is not available, the vice-chairman. The decision reached shall be subject to ratification at the next committee meeting. He shall issue notices convening all meetings of the committee and all general meetings, and shall be responsible for keeping minutes of all such meetings and for the preservation of all records of proceedings of the committee. He shall also be responsible for the office administration of the respective executive committees.

30. Function of the Executive Committees

(1) The executive committees shall respectively be responsible for the organisation of the Kenya Music Festival, the Kenya Drama Festival, the Schools and Colleges Sports, and the National Congress on Science and Technology.

(2) On the request of a member of a committee the executive secretary shall, at any time summon a meeting of the respective committees.

31. Powers of the executive committees

(1) The executive committees shall have the following powers—

- (a) To make regulations for the governance of the music, drama, sports and science and technology activities to be managed by and under the control of the respective committees and the regulations for the discipline and remuneration of persons engaged or hired by the respective committees.
- (b) To make regulations governing the fixing and remission of entry and other fees payable for competitions, seminars, courses, workshops and any other activities and money received from whatever other source.

(2) Each committee shall cause minutes to be made—

- (a) of all names of the members of the committee present at each meeting;
- (b) of all resolutions and proceedings at all general meetings of the committee;

(3) Each executive committee shall prepare annual estimates of revenue and expenditure in such form and at such time as the Council shall prescribe.

(4) The executive committees shall incur expenditure for the purpose of the Foundation in accordance with estimates which have been approved by the Council, and any approved expenditure under any head of the estimates may not be exceeded without prior approval of the Council.

32. Responsibilities of the executive committees

The executive committees shall be responsible for the following—

(1) Organizing—

- (a) workshops, seminars, concerts and tours;
- (b) festivals, meetings and competitions;
- (c) exhibitions;
- (d) courses; and
- (e) travelling theatres.

(2) Drawing up rules and regulations for the management of the respective activities within the programme at the national and preliminary levels.

(3) Printing and publishing newsletters, brochures, periodicals, books, music sheets, scripts and photographs.

(4) Designing, collecting, storing and marketing of costumes, props, instruments for use by adjudicators, coaches, trainers, umpires, judges, resource personnel, teachers and students during various programmes.

**EDUCATION (BOARD OF GOVERNORS) (KISUMU
POLYTECHNIC) ORDER, 2001**

ARRANGEMENT OF ORDERS

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**EDUCATION (BOARD OF GOVERNORS) (KISUMU
POLYTECHNIC) ORDER, 2001**

[L.N. 85/2001.]

PART I – PRELIMINARY

1. This Order may be cited as the Education (Board of Governors Kisumu Polytechnic) Order, 2001.

2. Interpretation

In this Order, unless the context otherwise requires—

“**Board**” means the Board of Governors of Kisumu Polytechnic established under paragraph 3 of this Order;

“**Governor**” means a member of the Board;

“**Polytechnic**” means Kisumu Polytechnic and includes any hostel of the Polytechnic;

“**Principal**” means the Principal of the Polytechnic;

“**Staff**” means any staff of the Polytechnic;

“**Student**” means any student of the Polytechnic;

PART II – BOARD OF GOVERNORS

3. Establishment of Board of Governors

There is hereby established a board to be known as the Kisumu Polytechnic Board of Governors which shall be a body corporate with perpetual succession and a common seal and shall in its corporate name sue or be sued.

4. Membership

(1) The Board shall consist of—

- (a) a chairman appointed by the Minister;
- (b) one person nominated by each of the following bodies, and appointed by the Minister—
 - (i) any three local Industries (Western Kenya Region);
 - (ii) the Kenya Association of Manufacturers;
 - (iii) the Municipal Council of Kisumu;
 - (iv) Nyanza Provincial Physical Planning Office;
 - (v) the Senate of Maseno University;
 - (vi) the Kenya Power and Lighting Company Limited;
 - (vii) Telkom Kenya Limited;
 - (viii) Federation of Kenya Employers representative;
 - (ix) a representative of the Local Women’s Group;
- (c) a person appointed by the Minister to represent the Nyanza Secondary Schools Heads Association unless he is already a governor by virtue of subparagraph (b);
- (d) not more than three persons co-opted by the Board;
- (e) the principal who shall be the secretary of the Board.

[Subsidiary]

(2) The principal shall submit items of business for discussion by the Board and attend the meetings of the Board, as the Board shall determine, but shall have no right to vote at any meeting of the Board.

5. Tenure of office of Governors

(1) The Governors shall hold office for a period of three years; provided that the Board may make provision for the rotational retirement of a number of its members at the end of each calendar year.

(2) Governors shall be eligible for re-appointment.

6. Vacancies on the Board

(1) The appointing authority shall be notified at once of every vacancy on the Board.

(2) A governor who is absent from all meetings of the Board during a period of one year, or who is incapacitated from acting, or who is adjudicated a bankrupt, or who communicates in writing to the Board his wish to resign, shall thereupon cease to be a governor.

(3) A Governor shall have the right to appoint a representative with full powers to act, vote and speak in his place in any meeting which he is unable to attend.

7. Interest in property

Except in special circumstances, and with the written approval of the Minister, no governor shall acquire or hold any interest in any property belonging to the polytechnic or receive any remuneration from or be interested in any contract in which the Polytechnic is concerned.

8. Governor not Personally liable

No governor shall be subject to any personal liability in respect of any matter or thing done or omitted or any contract entered into by or on behalf of the Board.

9. Meetings and Procedure

(1) The Board shall hold at least three ordinary meetings in each year, and the chairman shall, on the written request of three governors call a special meeting, provided that a notice of two clear weeks shall be given to the other governors of any meeting and of the matters to be discussed of such meeting.

(2) A quorum at any meeting of the Board shall be seven governors present, and every matter shall be determined by a majority of the governors present and voting thereon.

(3) In the absence of the chairman from any meeting of the Board, the governors shall elect one of their members to chair the meeting.

(4) The chairman shall have a casting vote only.

(5) Any meeting of the Board may be adjourned by resolution of the governors where there is no quorum.

(6) Any resolution of the Board may be rescinded or varied at a subsequent meeting if due notice has been given to all the governors.

(7) The Board may invite persons who are not governors to attend any of its meetings, but no such person shall be entitled to vote on any matter, or, except so far as the chairman shall allow to take part in the proceedings.

(8) All documents and decisions made by the Board shall be signified under the hand of the chairman or of any member or officer of the Board authorized in that behalf.

[Subsidiary]

10. Certain members may appoint representatives

The following persons may appoint representatives who shall have a right to attend meetings of the Board and to speak thereat but shall not have the right to vote—

The Minister for Education Science and Technology and the Minister for Labour.

PART III – COMMITTEES AND PANELS

11. Executive committee

(1) The Board may establish an executive committee, in which may be vested any of the powers and functions of the Board with respect to the Polytechnic other than the power to approve estimates of expenditure.

(2) The executive committee may consider any matter, other than a matter in the executive committee under subparagraph (1), for the purpose of submitting a report, with recommendations to the next subsequent meeting of the Board.

(3) The proceedings of any meetings of the executive committee shall be reported to the Board at the next subsequent meeting of the Board.

(4) The Executive committee shall consist of not less than four and not more than six members, who shall be appointed by the Board from among the members of the Board.

(5) The chairman of the Board shall be an *ex officio* member of the executive committee.

(6) The executive committee shall appoint its own chairman and establish its own rules of procedure.

(7) The members of the executive committee shall be appointed annually and members shall be eligible for re-appointment on retirement.

12. Other committees

The Board may from time to time appoint any committee for any special purpose connected with the Polytechnic, and may vest in the committee such powers, other than the power to appoint a principal and power to approve estimates of expenditure, and functions and impose on it such rules of procedure as the Board may decide and the members of the committee may include but shall not exclusively consist of persons who are not governors.

Provided that the Chairman of the Board shall be an *ex officio* member of any such committee.

13. Advisory panels

(1) The Board may appoint such Advisory Panels as it may consider necessary for the good organization and development of the work of the polytechnic.

(2) The functions of an Advisory Panel shall be to advise the principal on—

- (a) the organization of short tailor - made courses in a department or section of the Polytechnic other than those managed by the Kenya Institute of Education;
- (b) the examinations for which students in such department or section should be entered, other than those managed by the Kenya National Examination Council (KNEC);
- (c) the requirements of industry and commerce both as regards the number of students and the character of training in consultation with the Training Council of the Directorate of Industrial Training (DIT);

[Subsidiary]

- (d) arrangements for industrial or commercial experience during training in consultation with the training council of the Directorate of Industrial Training; and
- (e) any other matter relating to such department or section.

(3) The chairman of the Advisory Panel, shall be appointed by the Board and should be a governor, appointed in accordance with paragraph 4.

(4) Members of Advisory Panel, other than the chairman, shall be appointed by the Board from among persons with relevant experience in industry and commerce or in industrial or commercial education or training and may include governors.

(5) The rules of procedure of an Advisory Panel shall be made by the panel.

PART IV – FUNCTIONS OF THE BOARD

14. Governance of the Polytechnic

The Polytechnic shall be governed by the Board in accordance with the provisions of the Act and any rules and regulations made thereunder or any other Act relating to other employment of teachers and this Order.

15. Principal and staff

(1) The Board shall appoint with the approval of the Minister, a principal of the polytechnic.

(2) The Board may appoint after taking into consideration the advice of the principal, suitable teaching and non - teaching staff on terms and conditions approved by the Board.

(3) The power of the board to appoint staff shall include the power to appoint persons seconded to the service of the Board by the Government or by any other employer.

(4) The Board may by resolutions passed by not less than two thirds of the governors present and voting at a special meeting convened for the purpose, request the Minister to terminate the secondment of any person seconded to the service of the Board under subparagraph (3) of this paragraph.

(5) No proposals to dismiss a person employed by the Board, or to terminate his contract, or to request Minister to terminate the secondment of a person seconded to the service of the Board, on the grounds of misconduct or grave professional default, shall be decided until the person has been given an opportunity to appear in person before the Board, and the person so appearing may be accompanied by a friend.

16. Organization and Curriculum

(1) Subject to provision of paragraph 14 of this Order and to the Minister's power to determine the general education character of the Polytechnic and its place in the education system of Kenya, the Board shall have the general direction of the conduct and curriculum of the Polytechnic.

Provided that nothing done or resolved by the Board at any meeting thereof shall be held to be validly done or resolved if or to the extent that it contravenes the terms of any agreement entered into by the Government with respect of the Polytechnic in force at the time of such meeting.

(2) All proposals and reports affecting the policy and the curriculum of the Polytechnic shall be submitted formally to the Board, and the Minister shall be furnished with a copy thereof at least fourteen days before such proposals and reports are considered by the Board.

[Subsidiary]

(3) Subject to the provisions of this Order, the principal shall control the internal organization, management and discipline of the Polytechnic, shall exercise supervision over the teaching and non teaching staff and shall be personally responsible to the Board for fostering and maintaining high standards of conduct and endeavor among the staff and students of the Polytechnic.

(4) There shall be full consultations at all times on matters relating to the operation of the Polytechnic between the principal, the chairman of the Board, and the chief officer of the Ministry concerned with technical education.

(5) The principal shall make arrangements for consultations with the staff at meetings held for that purpose at appropriate intervals.

17. Admission and Exclusion of Students

(1) Subject to the provisions of the Act and any rules and regulations made thereunder, the Board shall regulate the admission and exclusion of the students.

(2) The Principal may perform any of the functions under this paragraph subject to such conditions and directions as the Board may deem fit.

(3) The exclusion of any student shall be reported to the Minister for approval.

18. Suspension of Students

(1) The Principal shall have power to suspend any student from attendance at the Polytechnic, for any cause which the principal considers adequate for a period not exceeding thirty days.

(2) Before the expiry of any period of suspension, the matter shall be reported by the principal to the Board for determination or to any committee in which the power of the Board in respect of the exclusion of the students have been vested under paragraph 11 and 12 of this Order.

19. Finance

(1) The Board shall prepare annual estimates of revenue and expenditure for submission to the Minister in such form and at such times as shall be determined by the Minister.

(2) The Board may incur expenditure for the purpose of the Polytechnic in accordance with the estimates approved by the Minister;

Provided that the approved expenditure under any head of the estimates may not be exceeded without the prior approval of the Minister, in writing.

(3) The funds of the Board shall comprise of all fees payable by students, grants made out of public funds, internally raised revenues whether for capital or recurrent purposes, and any subscriptions, donations made to the Polytechnic.

(4) Nothing in this Order shall affect the terms and conditions upon which any grant may be made to the Board in aid of the Polytechnic out of public funds.

(5) The Board may, with the approval of the Minister and subject to any restriction imposed by law, appeal to the general public for subscriptions, donations or bequeaths for the benefit of the Polytechnic.

(6) The Principal shall control the day to day expenditure connected with the running of the Polytechnic and shall present accounts of such expenditure to the Board, in such form as the Board may direct.

[Subsidiary]

(7) The Board shall pay all expenses connected with the Polytechnic, including salaries of the principal and the teaching and non-teaching staff who are hired or employed by the Board.

Provided that the personal emoluments of any person seconded to the service of the Board under paragraph 15 of this Order shall, in the first instance, be paid by the Ministry or by such employer and may at the discretion of the Minister or such other employer, as the case may be, be recovered from the Board.

(8) Any unexpended balance of grant may be carried forward in the accounts of the Polytechnic from one calendar year to the next and the Board may make proposals for the final disposal of such balance, which shall be at the discretion of the Minister, who may take the balance into account when assessing the following year's grant.

(9) The Board shall, subject to the approval of the Minister, determine the scales of fees and hostel charges payable by or in respect of students at the Polytechnic and prescribe the conditions under which fees may be remitted in whole or in part.

(10) The Board may, with the approval of the Minister, provide bursaries or scholarships to assist in education, maintenance or transport of students who are undergoing courses of instruction at the Polytechnic and prescribe the conditions under which such bursaries or scholarships may be granted or withdrawn.

(11) The Board shall furnish the Minister with a certified copy of the audited annual statement of accounts and such other information about the revenue, expenditure, assets and liabilities of the Polytechnic as the Minister may from time to time require.

(12) The Board shall be responsible for making arrangements to raise any loan which the Minister may, at the request of the Board authorize the Board to raise for the purpose of the Polytechnic and shall ensure that proper provision is made for the repayment of all interests and other charges in accordance with any order made by the Minister in respect of the matter.

PART V – PROPERTY OF THE BOARD

19. Vesting of Property in the Board

All such movable and immovable property, shares, funds and securities which are now the property of, and which as may from time to time become the property of the Board of Governors of the Polytechnic shall be dealt with in such a manner as the Board may from time to time determine, subject to the conditions upon which any grants are made from public funds for capital or recurrent purposes and the conditions upon which any endowment, bequeaths or donation is made for any purpose connected with the Polytechnic.

PART VI – GENERAL

21. Determinations of questions

Any question arising as to the construction of this Order or as to the regularity or validity of any act done under this Order shall be determined by the Minister upon application made to him in writing for that purpose.

**EDUCATION (BOARD OF GOVERNORS) (DEVELOPMENT LEARNING CENTRE)
ORDER, 2003**

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[Subsidiary]

**EDUCATION (BOARD OF GOVERNORS) (DEVELOPMENT LEARNING CENTRE)
ORDER, 2003**

[L.N. 115/2003, L.N. 116/2003.]

PART I – PRELIMINARY

1. Citation

This Order may be cited as the Education (Board of Governors) (Development Learning Centre) Order, 2003.

2. Interpretation

In this Order, unless the context otherwise requires—

“**Board**” means the Board of Governors of the Development Learning Centre established under paragraph 3;

“**governor**” Means a member of the Board.

“**Centre**” means the Development Learning Centre situated within the Kenya Institute of Administration;

“**Director**” means the Director of the Centre;

“**staff**” means any staff of the Centre;

“**trainee**” means a person who is undergoing training at the centre;

“**D.P.M.**” means the Directorate of Personnel Management; and

“**G.D.L.N.**” means Global Development Learning Network.

PART II – BOARD OF GOVERNORS

3. Establishment of Board of Governors

There is established a Board of Governors to be known as the Board of Governors of the Development Learning Centre, which shall be a body corporate with perpetual succession and a common seal and may, in its corporate name, sue and be sued.

4. The Board shall be independent and autonomous in its operations and functions.

5. Constitution of the Board

(1) The Board shall consist of—

- (a) a Chairman elected from amongst the members;
- (b) the Permanent Secretary/Director of Personnel Management, Office of the President;
- (c) one person nominated by each of the following bodies and appointed by the Permanent Secretary/Director of Personnel Management, Office of the President—
 - (i) Ministry of Finance;
 - (ii) Kenya Institute of Administration;
 - (iii) Secretary to the Commission for Higher Education;
 - (iv) Ministry of Education, Science and Technology;
 - (v) Executive Director of Association of Professional Societies in East Africa;

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- (vi) Executive Director of the Kenya Institute of Management;
- (vii) Executive Director of the Kenya Institute of Policy Research and Analysis;
- (d) not more than three persons co-opted by the Board; and
- (e) the Director appointed under paragraph 16, who shall be the Secretary to the Board.

[L.N. 116/2003, o. 2.]

6. Tenure of office of Governors

(1) The governors shall hold office for a period of three years provided that the Board may make provision for the rotational retirement of any governor at the end of each calendar year.

(2) The governors shall be eligible for re-appointment for a further term of three years.

7. Vacancies on the Board

(1) Every vacancy on the Board shall be notified at once to the appointing authority as the case requires.

(2) Any governor who is absent from all meetings of the Board for a period of one year, or who is incapacitated by prolonged physical or mental illness or who is adjudicated bankrupt, or who communicates in writing to the Board his desire to resign, shall thereupon cease to be a governor.

(3) Any governor may appoint a representative to represent him or her at any meeting of the Board which any governor is unable to attend and such representative shall be entitled to vote and take part in the proceedings of the Board.

(4) Any meeting of the Board may be adjourned by a resolution of the Board and if a sufficient number of governors to form a quorum is not present, the meeting shall stand adjourned *sine die*.

(5) Any resolution of the Board may be rescinded or varied at a subsequent meeting of the Board if due notice has been given to all the governors.

(6) The Board may invite persons who are not members of the Board to attend any meeting thereof, but such persons shall not be entitled to vote on any matter, or except so far as the Chairman shall allow, to take part in the proceedings of the Board.

(7) All documents made by the Board shall be executed and all decisions of the Board shall be signified under the name of the Chairman or of, any member or officer or the Board authorized in that behalf.

8. Certain members may appoint representatives

The following persons, may appoint representatives who shall have the right to attend the meetings of the Board and to speak thereat but shall not have the right to vote—

- (a) the Minister for Education, Science and Technology;
- (b) the Minister for Trade and Industry;
- (c) the Minister for Tourism and Information;
- (d) the Minister for Labour and Human Resource Development; and
- (e) the Minister of State for Public Service.

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PART III – COMMITTEE AND PANELS

9. Executive Committee

(1) The Board shall establish an executive committee in which shall be vested any of the powers and functions of the Board with respect to the Centre other than the power to appoint a Director and the power to approve estimates of expenditure of the Centre.

(2) The executive committee may consider any matter vested to it by the Board pursuant to paragraph (1) and for the purpose of submitting a report with recommendations to the next subsequent meeting of the Board.

(3) The proceedings of any meeting of the executive committee shall be reported to the Board at the next subsequent meeting of the Board.

(4) The executive committee shall consist of not less than four and not more than six members, who shall be appointed by the Board from among the members of the Board.

(5) The Chairman of the Board shall be an *ex officio* member of the executive committee.

(6) The executive committee shall appoint its own chairman and establish its own rules of procedure.

10. Interest in property

Except in special circumstances, and with the prior approval, in writing, of the Directorate of Personnel Management, Office of the President, no governor shall acquire, or hold any interest in any property belonging to the Centre, or receive any remuneration or be interested in any contract in which the Centre is concerned.

11. Governor not personally liable

No governor shall be subject to any personal liability in respect of any matter or thing done or omitted or any contract entered into by or on behalf of the Board.

12. Meetings and procedures

(1) The Board shall hold at least four ordinary meetings in each year. However, a special meeting may be summoned by the Chairman or at the written request of any three governors provided that a two weeks' notice shall be given to the other governors of any meeting and of the matters to be discussed thereat.

(2) The quorum of the Board shall be seven governors and every matter before the Board shall be determined by a majority of the governors present and voting thereon.

(3) In the absence of the Chairman from any meeting of the Board, the governors present shall elect one of the governors to be chairman of the meeting.

(4) The Chairman of the Board shall have a casting vote only.

(5) The members of the executive committee shall be appointed annually and shall be eligible for re-appointment upon retirement.

13. Other Committees

Without prejudice to the provision of paragraph 9, the Board may, from time to time, appoint any committee for any special purpose connected with the Centre and may vest in such committee such powers, other than the power to appoint a Director and the power to approve estimates of expenditure of the Board and the Board may impose on such committee rules of procedure as the Board may decide and the members of that committee may include, but shall not exclusively consist of persons who are not governors.

14. Advisory panels

(1) The Board may appoint such Advisory Panels, as it may consider necessary for the good organization and development of the work of the Centre.

(2) The functions of an Advisory Panel shall be to advise the Director on—

- (a) the organization of courses in a department or section of the Centre;
- (b) the examination for which trainees in a department or section should be entered;
- (c) the requirement of industry or commerce both as regards the number of trainees and character of training;
- (d) arrangements for industrial or commercial experience during training; and
- (e) any other matter relating to a department or section.

(3) The chairman of an Advisory Panel shall be appointed by the Board and may be a governor appointed under paragraph 5(1)(c).

(4) The members of an Advisory Panel other than the chairman shall be appointed by the Board from amongst persons with relevant experience, training, education, industry and commerce or of industrial or commercial education and may include governors.

(5) The rules of procedure of an Advisory Panel shall be made by the panel.

PART IV – FUNCTIONS OF THE BOARD**15. Government of Centre**

The Centre shall be governed by the Board in accordance with this Order and any other relevant agreement for the time being in force relating to the Centre.

16. Director and staff

(1) The Board shall appoint a Director of the Centre who shall be assisted by an information technology officer and a training co-ordinator and such other staff as the Board may appoint.

(2) The Director shall submit items of business for discussion by the Board and attend meetings of the Board as the Board shall determine, but shall have no vote at any meeting of the Board.

(3) The Board shall appoint, after taking into consideration the recommendations of the Director, suitable and competent staff of the Centre.

(4) The power of the Board to appoint staff shall include the power to appoint persons seconded to the service of the Board by the Government, Global Development Learning Network (G.D.L.N.) or by any other employer.

(5) The appointment and dismissal of the Director or of any member of the staff of the Centre shall be subject to the approval of the Directorate of Personnel Management.

(6) The Board may, by resolution passed by not less than two-thirds of the governors present and voting at a special meeting convened for that purpose, request D.P.M., G.D.L.N. or any other employer, as the case may be, to terminate the secondment of any person seconded to the service of the Board under subparagraph (4).

(7) No proposal to dismiss a person employed by the Board or to terminate his or her contract or request the D.P.M. or any other employer to terminate the secondment of a person seconded to the service of the Board on the ground of misconduct or grave

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professional default, shall be decided until the person has been given an opportunity to appear in person before the Board and the person so appearing may be accompanied by a friend.

17. Organization and Curriculum

(1) Subject to the provisions of paragraph 15 and D.P.M.'s power to determine the general educational and training of the Centre, and its place in the education and training policy of Kenya, the Board shall the general direction of the conduct and curriculum of the Centre provided that nothing shall be done or resolved by the board ay any meeting of the Board which contravenes the terms of any agreement, for the time being in force, entered into by the government with respect to the Centre.

(2) All proposals and reports affecting the policy and curriculum of the Centre shall be submitted to the Board and a copy to D.P.M. at least fourteen days before the proposal and reports are considered by the Board.

18. (1) The Board may, with the approval of D.P.M. and subject to any restriction imposed by law, appeal to the general public for subscriptions, donations or requests for the benefit of the Centre.

(2) The Board shall pay all expenses connected with the Centre, including the salaries of the Director and other staff of the Centre.

(3) *Unexpended balance.*—Any unexpended balance of grant may be carried forward in the accounts of the Centre from one calendar year to the next and the Board may make proposals for the final disposal of such unspent balance, which shall be at the discretion of D.P.M., who may take such balances into account when assessing the following year's grant.

(4) *Fees.*—The Board shall, subject to any matter prescribed under this Order, or to the approval of D.P.M., determine the scale of fees payable by or in respect of trainees at the Centre and prescribe the conditions under which fees may be remitted in whole or in part.

(5) The Board may, with the approval of D.P.M. provide bursaries or scholarships to assist in the education, training or maintenance of trainees who are undergoing courses of instruction at the Centre and prescribe the conditions under which such bursaries or scholarships may be granted or withdrawn.

(6) *Raising of funds.*—The Board shall be responsible for making arrangements to raise any loan which D.P.M. may, at the request of the Board, authorize the Board to raise for the purposes of the Centre and shall ensure that proper provision is made for the repayment of the loan including any interest and other charges thereon in consultation with D.P.M.

PART V – FUNCTIONS OF THE DIRECTOR**19. Management of the Centre**

(1) Subject to the provision of this Order: the Director shall control the internal organization, management and discipline of the Centre, shall exercise supervision or staff, and shall be personally responsible to the Board for fostering and maintaining high standards of conduct and endeavour among the staff and trainees of the Centre.

(2) There shall be full consultations at all times between the Director, the Chairman of the Board and D.P.M. concerning the courses and training at the Centre.

20. Admission and exclusion of trainees

(1) Subject to the provisions of this Order, and any rules and regulations made thereunder, the Director shall regulate the admission and exclusion of trainees from the Centre.

(2) No trainee shall be refused admission or excluded from the Centre on any other reason other than on a reasonable ground.

(3) The Director may perform any of the functions, under this paragraph subject to the control and general direction of the Board.

(4) The exclusion of any trainee from the Centre shall be reported to D.P.M.

21. Suspension

(1) The Director shall have powers to suspend any trainee from the Centre for any cause he considers adequate, and for a period not exceeding thirty days.

(2) Before the expiry of any period of suspension, the matter shall be reported by the Director to the Board or to any committee or panel in which the powers of the Board in respect of the exclusion of trainees have been vested under paragraph 13 or 14.

22. Finance

(1) The Director shall prepare annual estimates of revenue and expenditure in such form and at such times as D.P.M. shall prescribe, for submission to the Board and D.P.M. for approval.

(2) The, Director may incur expenditure for the purposes of the Centre in accordance with estimates, which have been approved by the D.P.M. and the Board:

Provided that the approved estimates may not be exceeded without the prior approval of D.P.M. in writing.

(3) The Director shall receive all fees payable by or in respect of trainees and all grants made out of public funds whether for capital or revenue purposes including any subscriptions, donations or bequests made to the Centre.

(4) Nothing in this Order shall affect the terms and conditions upon which any grant may be made to the Board in aid of the Centre out of public funds.

(5) *Expenditure.*—The Director shall control the day-to-day expenditure connected with the running of the affairs of the Centre, and shall present an account of such expenditure to the Board as and when required by the Board.

(6) The Director shall furnish to D.P.M. with a certified copy of the audited annual statement of accounts of the Centre and such other information about the revenue, expenditure, assets and liabilities of the Centre as the D.P.M. may, from time to time, require.

PART IV – GENERAL**23. Vesting of property in Board**

(1) All movable and immovable property, shares, funds and securities which are currently the property of and which may, from time to time, become the property of the Board or be proved, for the purpose of the Board shall be in the name of the Board of Governors of the Centre and shall be dealt with in such manner as the Board may, from time to time, determine, subject to the conditions upon which any grants are made from

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public funds for capital or recurrent purposes and the conditions upon which any endowment, bequest or donation is made for any purpose connected with the Centre:

Provided no property of the Centre shall be sold without prior approval of D.P.M.

(2) *Custody of Seal.*—The common seal of the Board shall be in the custody of the Secretary of the Board and shall be authenticated by the signature of the Chairman of the Board or such other Governor as the Board may, by resolution, appoint.

24. D.P.M. to determine validity, etc.

Any question arising as to the construction of this Order or as to the regularity or validity of any act done or about to be done hereunder shall be determined conclusively by the D.P.M. upon application made to it for that purpose.

**EDUCATION (BOARD OF GOVERNORS) (CENTRE FOR MATHEMATICS,
SCIENCE AND TECHNOLOGY IN AFRICA) ORDER, 2006**

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**EDUCATION (BOARD OF GOVERNORS) (CENTRE FOR MATHEMATICS,
SCIENCE AND TECHNOLOGY IN AFRICA) ORDER, 2006**

[L.N. 96/2006.]

PART I – PRELIMINARY

1. Citation

This Order may be cited as the Education (Board of Governors) (Centre for Mathematics, Science and Technology Education in Africa) Order, 2006.

2. Interpretation

In this Order, except where the context otherwise requires—

“**Board**” means the Board of Governors of the Centre for Mathematics, Science and Technology Education in Africa (CEMASTEA), established under paragraph 3;

“**Centre**” means the Centre for Mathematics, Science and Technology Education in Africa;

“**member**” means a member of the Board;

“**principal**” means the Principal of the Centre;

“**staff**” includes both teaching and non-teaching employees of the Centre;

“**student**” means a person who is undergoing training at the Centre.

PART II – ESTABLISHMENT OF THE BOARD OF GOVERNORS

3. Establishment of Board

There is hereby established a board of governors to be known as the Board of Governors of the Centre for Mathematics, Science and Technology Education of Africa, which shall be a body corporate with perpetual succession and a common seal, and which may in its corporate name sue or be sued, own and dispose of property, and do all such other things or acts as may be done by a body corporate.

4. Membership of the Board

(1) The Board shall consist of the following members—

(a) a chairman appointed by the Minister;

(b) the Permanent Secretary in the Ministry responsible for matters relating to education, or his representative, who shall be an *ex officio* member of the Board.

(c) one person nominated by each of the following bodies and appointed by the Minister—

(i) the Kenyatta University;

(ii) the Kenya Institute of Education;

(iii) the Kenya Education Staff Institute;

(iv) the Teachers Service Commission;

(d) not more than three persons appointed by the Minister to represent other interests;

(e) not more than three persons co-opted by the Board; and

(2) The Principal shall be secretary to the Board.

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(3) No member of staff of the Centre may be a member of the Board, but the Board may request any such member to be in attendance if deemed necessary for particular meetings of the Board.

(4) The Principal shall submit items of business for discussion by the Board and shall attend the meetings of the Board, except when the Board otherwise determines, but shall not be entitled to vote.

5. Tenure of office

(1) The members shall hold office for a period of three years, and the Minister may make provision for the rotational retirement of members at the end of each calendar year.

(2) Members shall be eligible for re-appointment upon the expiry of the period specified under subparagraph (1).

6. Vacancies on the Board

(1) A member's seat on the Board shall become vacant when the member—

- (a) is absent from all meetings of the Board for a period of one year;
- (b) is adjudged bankrupt;
- (c) resigns by notice in writing to the Board;
- (d) becomes incapacitated by prolonged physical or other illness; or
- (d) dies.

(2) Every vacancy on the Board shall be notified at once to the appointing authority as the case requires, for the appointment of a replacement.

7. Alternate members

A member may appoint an alternate with full powers to act, vote and speak in his place at any meeting, which he is unable to attend.

8. Interest in Centre Property

No member shall acquire or hold any interest in any property belonging to the Centre, or receive any remuneration, or be interested in any contract in which the Centre is concerned.

9. Member not personally liable

No member shall be subject to any personal liability in respect of any matter or thing done or omitted to be done, or any contract entered into, by or on behalf of the Board.

PART III – FINANCE AND GENERAL PURPOSES COMMITTEE

10. Finance and General purposes committee

(1) There shall be a committee of the Board to be known as the Finance and General Purposes Committee which shall consist of the Chairman and not less than four nor more than six persons appointed by the members from among their number.

(2) The functions of the Committee shall be—

- (a) to give guidance to the Principal in the implementation of the decisions made by the Board;
- (b) to take such decisions or actions as would accelerate the execution of the policy decisions of the Board;

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- (c) to consider and authorize any financial transactions or development proposals on behalf of the Board; and
- (d) to do anything which the Board may require to be done by the Committee.

(3) The proceedings of any meeting of the Committee shall be reported to the Board at the following meeting of the Board for ratification and adoption.

(4) The Principal shall be one of the members of the Committee appointed under subparagraph (1) and shall also be secretary to the Committee.

(5) The Chairman of the Board shall be the chairman of the Committee.

(6) The members of the Committee shall hold their offices for the duration of their membership in the Board.

(7) The Committee may establish its own rules and procedures.

PART IV – FUNCTIONS OF THE BOARD

11. Board to govern according to certain laws

The Board shall govern the Centre in accordance with—

- (a) the provisions of the Act and of any rules and regulations made thereunder;
- (b) the Teachers Service Commission Act on all matters relating to the employment of teachers; and
- (c) the provisions of this Order.

12. Appointment of non-teaching staff

The Board shall with the consent of the Minister appoint suitable non-teaching staff on terms and conditions of service approved by the Minister.

13. Staff seconded to by the Centre

(1) The Board shall administer and control all staff seconded for service at the Centre.

(2) The Board may by a resolution passed by at least two-thirds of the members present and voting at a special meeting convened for that purpose, request the Minister to terminate the secondment of any person seconded for service at the Centre.

14. Dismissal of Staff

(1) The Board shall not decide on a proposal to dismiss any person employed by the Board or to terminate his contract or to request the Minister to terminate the secondment of any person seconded for the service of the Centre on grounds of misconduct or grave professional default until the person concerned has been given an opportunity to appear in person before the Board.

(2) A person appearing before the Board under subsection (1) may be accompanied by one other person of his choice.

15. General directions of the Centre

(1) Subject to the provisions of paragraph (11) and to the Minister's power to determine the general education character of the Centre and its place in the educational system of Kenya, the Board shall have the general direction of the conduct and curriculum at the Centre:

Provided that nothing shall be done or resolved which contravenes the terms of any agreement entered into by the Government with respect to the Centre which is still in force.

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(2) All proposals and reports affecting the policy and curriculum of the Centre shall be submitted formally to the Board and the Minister shall be furnished with a copy thereof at least fourteen days before such proposals and reports are decided upon by the Board.

(3) Subject to the provisions of this Order, the Principal shall—

- (a) control the internal organization, management, and discipline at the Centre;
- (b) supervise the staff; and
- (c) be personally responsible to the Board for fostering and maintaining proper and suitable standards of conduct and behavior among the staff and students at the Centre.

(4) There shall be regular consultation between the Principal and the Education Secretary on all matters relating to education at the Centre.

(5) The Principal shall make such arrangements as may be adequate and suitable for consultation with the staff and students.

16. Admission and exclusion of students/trainees

The admission and exclusion of students to or from the Centre shall be regulated by the Education Secretary.

PART V – MEETINGS OF THE BOARD

17. Meetings and Procedure

(1) The Board shall hold at least three ordinary meetings each year and a special meeting may be summoned by the Chairman on his own volition or at the written request of any three members of the Board:

Provided that two clear weeks' notice of any meeting and of the matters to be discussed shall be given to the members.

(2) The quorum at any meeting shall be one half of the members of the Board, and any matter before the Board shall be determined by a majority of the members present and voting thereon.

(3) The decisions of the Board shall be carried by a majority of the members present and voting, and in the case of an equality of votes the chairman shall have a second casting vote.

(4) In the absence of the Chairman at any meeting, the members present shall elect one of their number to chair that meeting, who shall for the purpose of that meeting have all the powers of the Chairman.

(5) Any meeting may be adjourned by resolution and, if a sufficient number of members to form a quorum are not present, the meeting shall stand adjourned indefinitely.

(6) A resolution of the Board may be rescinded or varied at a subsequent meeting after due notice has been given to all the governors.

PART VI – FINANCIAL PROVISIONS

18. Estimates

The Board shall prepare annual estimates of revenue and expenditure in such form and at such times as the Minister shall prescribe, for submission to the Minister.

19. Expenditure

The Board may incur expenditure for the purposes of the Centre in accordance with estimates approved by the Minister.

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20. Accounts

The Principal shall control the day-to-day expenditure connected with the running of the Centre and shall present accounts, including annual audited accounts, for such expenditure to the Board as and when and in such form as the Board may direct.

21. Income

The Board shall receive any fees payable by, or in respect of, students, all grants made out of public funds, whether for capital or revenue purposes, and any subscription, donations or bequests made to the Centre.

22. Donations and bequests

The Board may, with the approval of the Minister and subject to any restriction imposed by law, receive donations or bequests for the benefit of the Centre.

23. Surplus

Any surplus funds of the Centre at the end of the financial year shall be carried forward to the next financial year, and the Board may make proposals for the final disposal of the unexpected balance which shall be at the discretion of the Minister, who may take such balances into account when assessing the following year's grants to the Centre.

24. Fees

The Board shall, subject to any matter prescribed in this Order and with the approval of the Minister, determine the scales of fees payable by or in respect of students at the Centre, and shall prescribe the conditions under which fees may be remitted in whole or in part.

PART VII – MISCELLANEOUS PROVISIONS**25. Vesting of Property**

All such movable and immovable property as may from time to time become the property of the Centre shall be in the name of the Board of Governors of the Centre and shall be dealt with in such manner as the Board may from time to time determine, subject to the conditions upon which any grants are made from public funds for capital or recurrent purposes and the conditions upon which any donation or bequest is made to the Centre:

Provided that the Board shall not dispose of any property without the consent of the Minister.

26. Custody of the common seal

(1) The Common Seal of the Institute shall be kept in such custody as the Board directs and shall not be used except upon order of the Board.

(2) All documents other than those required by law to be under seal made on behalf of the Board, and all decisions of the Board may be signified under the hand of the Chairman of the Board, the Principal, or any other member of the Board duly authorized by the Board in that behalf.

EDUCATION (KENYA EDUCATION STAFF INSTITUTE) ORDER, 2010

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10. Payments to Council Members.
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12. Meetings.
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EDUCATION (KENYA EDUCATION STAFF INSTITUTE) ORDER, 2010

[L.N. 19/2010, L.N. 163/2011.]

PART 1 – PRELIMINARY**1. Citation**

This Order may be cited as the Education (Kenya Education Management Institute) Order, 2010.

2. Interpretation

In this Order, unless the context otherwise requires—

“**Council**” means the Council of the Institute established under paragraph 7;

“**certificate**” means a document awarded by the Institute and duly signed by the Chairperson and Director, bearing all the approved characteristics of a certificate of the Institute;

“**Director**” means the director appointed under paragraph 7.

“**Institute**” means the Kenya Education Management Institute established under paragraph 3.

[L.N. 163/2011, o. 3.]

PART II – ESTABLISHMENT AND FUNCTIONS OF THE INSTITUTE**3. Establishment**

(1) There is hereby established an Institute to be known as the Kenya Education Management Institute.

(2) The Institute shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such things or acts which may lawfully be done by a body corporate.

(3) The Institute shall be the successor to the Institute known as the Kenya Education Staff Institute established under the Education (Kenya Education Staff Institute) Order, 1988 (L.N. 565/1988, Sub. Leg.), and existing immediately before the commencement of this Order.

[L.N. 163/2011, o. 4.]

4. Functions of Institute

The functions of the Institute shall be to—

- (a) provide, directly or in collaboration with other institutions of learning, management training, research and consultancy services in the education sector on a commercial basis to the public and private sector and to any other persons, local or foreign, who may request for such services from it;
- (b) provide training programmes, seminars and workshops and produce publications aimed at promoting managerial competence and integrity in the education sector, while utilizing diverse learning methods including open and distance learning approaches;

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- (c) produce, maintain and disseminate documentation and information services and equipment relating to administrative management, technical and educational reform issues;
- (d) serve as a management advisory, consultancy and resource centre for personnel involved in educational work;
- (e) undertake research in relation to training needs assessments, quality assurance processes, training impact assessments, policy, management and emerging issues for the purpose of designing appropriate management training programs and ensuring the integrity of these programs;
- (f) provide a forum for effective collaboration between the public and private sectors and other interested parties for capacity building in the education sector;
- (g) conduct examinations and award diplomas, certificates and other awards to successful candidates;
- (h) undertake resource generative services in a cost effective manner to build self sufficiency; and
- (i) generally promote and carry on the work of a management development institute.

5. Powers of the Institute

In the performance of its functions under paragraph 4, the Institute may—

- (a) establish and maintain such campuses and departments, and institute such courses of instruction as the Council may consider appropriate;
- (b) create, develop, apply for, obtain and hold intellectual property rights and enter into agreements or arrangements for their commercial exploitation or as the Board considers appropriate;
- (c) accept gifts, grants, bequests, devices and assignments made to it and act as trustee of moneys or other property invested in it on trust;
- (d) enter into arrangements with other institutions of learning or professional organisations (whether within or outside Kenya) or with any of the Ministries that administer management training services to establish relevant capacity building programmes;
- (e) establish, manage and control residential facilities and other forms of trainee accommodation and to establish, manage and control other accommodation that the Council thinks fit; and
- (f) do any other thing which is necessary or convenient to be done in connection with or incidental to its functions.

6. Admission

Admission to the Institute shall be open to all persons who are qualified for such admission without distinction on the basis of ethnic origin, sex or creed being imposed on any person as a condition of his or her becoming or continuing to be a student at the Institute.

PART III – ESTABLISHMENT AND FUNCTIONS OF THE COUNCIL OF THE INSTITUTE

7. Membership of the Institute

(1) There shall be a Council to be known as the Council of the Institute, which shall have the responsibility of managing the Institute in accordance with this Order.

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- (2) The Council shall consist of the following members—
- (a) a chairperson appointed by the Minister;
 - (b) the Permanent Secretary in the Ministry for the time being responsible for education or his representative;
 - (c) the Secretary of the Teachers Service Commission;
 - (d) the Director of the Kenya Institute Education;
 - (e) one representative appointed by the Minister from each of the following institutions respectively—
 - (i) the Kenya Association for Primary Teachers' Training Colleges;
 - (ii) the Kenya Secondary School Heads' Association; and
 - (iii) the Kenya Primary School Heads' Association;
 - (iv) The Kenya Diploma Colleges Principals' Association;
 - (f) four persons, not being public servants, appointed by the Minister by virtue of their knowledge and experience in matters related to education; and
 - (g) the Director of the Institute, who shall be the Secretary to the Council.

8. Functions and Powers of the Council

- (1) The functions and powers of the Council shall be to—
- (a) formulate, with the approval of the Minister, policies pertaining to the management and implementation of the objects of the Institute;
 - (b) administer the property and funds of the Institute in such manner and for such purposes as shall best promote the interests of the Institute:
Provided that the Council shall not dispose of the immovable property of the Institute without the approval of the Minister;
 - (c) receive, on behalf of the Institute, donations, endorsements, gifts, grants or other monies, and to make legitimate disbursements therefrom;
 - (d) borrow, generate and raise funds for the purposes of the Institute;
 - (e) appoint suitable staff of the Institute upon such terms and conditions as it may determine;
 - (f) receive reports from the Director or any officer of the Institute in respect of financial and other circumstances of the Institute, and to direct any action to be taken by the Director or such officer;
 - (g) establish facilities in any place (whether in or outside Kenya) for the better discharge of its functions and responsibilities under this Act; and
 - (h) do or perform anything or any other act for the better carrying out of the purpose of the Institute.

(2) The Council may from time to time co-opt into its membership one or more persons to assist it in any particular matter for the time being before the Council, but such co-opted members shall not be entitled to vote on any matter.

9. Statutes

(1) In the performance of its functions under this Order, the Council shall make statutes generally for the administration of the Institute, and in particular for—

- (a) the establishment of departments of the Institute;
- (b) the requirements for the award of certificates or other awards of the Institute;
- (c) the conduct of examinations;

[Subsidiary]

- (d) prescribing fees, boarding and other charges;
- (e) prescribing the terms and conditions of service, including the appointments, discipline, dismissal and retirement benefits, of the officers of the Institute; and
- (f) the procedure of meetings of the Council and the establishment, composition and terms of reference of the Committees of the Council;

(2) Statutes shall be made by a resolution of a meeting of the Council and passed by a majority of the members present and voting.

10. Payments to Council Members

The Council shall pay to each of its members such remuneration and allowances, if any, as the Minister may approve.

11. Committees

The Council may, for the better performance of its functions, appoint and assign duties to such Committees, including the finance and general purpose committee, as it may consider appropriate.

12. Meetings

(1) The Council shall meet not less than four times each financial year at any time.

(2) Notwithstanding subparagraph (1), the Chairperson may upon the written request of any three members of the Council, convene a meeting of the Council after giving a notice for a period of twenty-one days.

(3) The Chairperson shall give two weeks' notice of any ordinary meetings of the Council to all members, and such notice shall provide the agenda for such meeting.

(4) The quorum of a meeting of the Council shall be one half of all members.

(5) The decisions of the Council shall be carried by a majority of the members of the Council to all members, and such notice shall provide the agenda for such meeting.

(6) The Chairperson shall preside at all meetings of the Council at which he is present.

(7) In the absence of the Chairperson from a meeting, the members present shall elect one of their number to preside at the particular meeting.

(8) All documents made by, and all decisions of the Council shall be signed under the hand of the Chairperson or any member or officer of the Council.

13. Terms of Office

(1) A member of the Council shall hold office for a term of three years, but shall be eligible for reappointment for one further term.

(2) Notwithstanding paragraph (1), a member may—

- (a) resign his office by writing under his hand addressed to the Chairperson of the Council; or
- (b) Be removed by the Minister by notice in writing if he—
 - (i) has been absent from three consecutive meetings of the Council without permission of the chairman;
 - (ii) is so incapacitated by prolonged physical or mental illness as to be unable to attend to and perform his duties;
 - (iii) is an adjudged bankrupt by a court of competent jurisdiction;

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- (iv) is convicted by a Court of an offence punishable by a term of imprisonment exceeding six months; or
- (v) is otherwise unable or unfit to discharge its functions.

14. Meetings

- (1) The Council shall meet not less than four times in each financial year.

15. Director and Staff of the Institute

(1) There shall be a Director of the Institute who shall be appointed by the Minister on the advice of the Council.

(2) A person shall be qualified for appointment as Director of the Institute where such person has relevant academic and professional qualifications and proven qualifications in the management and administration of an education institution.

(3) The Director shall be the chief executive of the Institute and shall—

- (a) have overall responsibility for the direction, organization and administration of programs of the Institute;
- (b) be responsible for the supervision and discipline of the staff of the Institute;
- (c) subject to the directions of the Council on matters of policy, be responsible to the Council for the administration and management of the Institute;
- (d) appoint such temporary professional and other staff as may from time to time be required by the Institute at such fee as may be approved by the Council; and
- (e) be the accounting officer of the Institute.

(4) The Director shall hold office upon such terms and for such a period as may be specified in the instrument of appointment.

(5) The Council may appoint deputy director such other staff as it may deem necessary for its functions, on such terms and conditions of service as it may determine.

16. Academic Board

(1) There shall be an academic board of the Institute which shall consist of—

- (a) the Director;
- (b) the deputy directors, and
- (c) the Heads of Departments of the Institute.

(2) The Academic Board may co-opt such other members as may be necessary for the exercise of its functions under this Order.

(3) The Director shall be the Chairperson of the Academic Board.

(4) The Academic Board shall—

- (a) establish criteria for admission of learners to the Institute;
- (b) set and review, the content and academic standard of any certificate or other award of the Institute;
- (c) set examination and award diplomas and certificates to suitably qualified students of the Institute; and
- (d) coordinate such other activities as may be undertaken by the Institute in the discharge of its functions under this Act.

17. Funds

The funds of the Institute shall comprise—

- (a) such monies as may be appropriated by Parliament for purposes of the Institute;
- (b) any monies or property which may in any manner accrue or vest in the Institute in the course of the exercise of its functions; and
- (c) all monies from any other sources provided, donated or lent to the Institute.

18. Financial Year

The financial year of the Institute shall be the period of twelve months ending on the 30th June in every year.

19. Annual estimates

(1) At least five months before the commencement of each financial year, the Council shall cause to be prepared estimates of the revenue and expenditure for the Institute for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the Institute for the financial year concerned, and in particular shall provide for—

- (a) the payment of salaries, allowances and other charges in respect of the staff of the Institute and the members of the Council;
- (b) the payment of pensions, gratuities and other charges in respect of retirement benefits payable out of the funds of the Council;
- (c) the acquisition, maintenance, repair and replacement of the equipment and other movable property of the Institute;
- (d) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, replacement of buildings or equipment, or in respect of such other matters as the Council may deem fit.

(3) The annual estimates shall be approved by the Council at least two months before commencement of the financial year to which they relate and shall be submitted to the Minister for approval.

(4) No expenditure shall be incurred for the purposes of the Institute except in accordance with the annual estimates approved under subparagraph (3), or in pursuance of the authorization of the Council given with prior written approval of the Minister and the Permanent Secretary to the Treasury.

20. Books and records of account

The Council shall cause to be kept proper books and records of the account of the income, expenditure and assets of the Institute.

21. Audit

The accounts of the Institute shall be audited and reported upon in accordance with the Public Act.

PART VII – MISCELLANEOUS**22. Common seal**

(1) The Common seal of the Institute shall be kept in the custody of the Director or such other person as the Council may direct, and shall not be used except upon the order of the Council.

[Subsidiary]

(2) The Common seal of the Institute shall be authenticated by the signature of the Chairperson and the Director.

(3) The common seal of the Institute, when affixed to any document and duly authenticated under this section, shall be judicially and officially noticed, and unless the contrary is proved, the necessary order or authorization of the Council under this section shall be deemed to have been duly given.

(4) All documents other than those required by law to be under seal made on behalf of the Council shall be signified by the hand of the Chairperson of the Council, the Director, or any other members of the Council specifically authorized by the Council in that behalf.

23. Protection of Liability

No member of the Council staff of the Institute shall be personally liable for any act or default in good faith in the exercise or purported exercise of the functions of the Council.

24. Protection of name

(1) No public officer performing functions relating to registration of companies and business names shall accept for such registration any name which includes the words "Kenya Education Management Institute" unless the application for registration is accompanied by the written consent of the Council.

(2) Any person who, except with the written consent of the Council uses the words "Kenya Education Management Institute" in connection with any advertisement for any trade, business, calling or profession, commits an offence and is liable on conviction to—

- (a) Imprisonment for a term not exceeding twelve months; or
- (b) a fine not exceeding thirty thousand shillings, or both

Provided that nothing in this section shall be construed as preventing the *bona fide* use by any person of any title consequent to the grant to him of a diploma or any other award of the Institute.

[L.N. 163/2011, o. 5.]

PART VIII – TRANSITIONAL

25. (1) The Kenya Education Staff Institute Order 1988 (L.N. 565/1988, Sub. Leg.) is revoked.

(2) Notwithstanding subparagraph (1), upon the commencement of this Order—

- (a) all the right duties, obligations, assets and liabilities of the former Institute existing at the commencement of this Order shall be automatically and fully transferred to the Institute;
- (b) any reference to the former Institute in any contract or document shall, for all purposes, be deemed to be a reference to the Institute;
- (c) any person who is an employee of the former Institute is immediately before the commencement of this Order shall upon such commencement be deemed to be an employee of the Institute.

(3) The annual estimates of the former Institute for the financial year in which the appointed day occurs shall be deemed to be the annual estimates of the Institute for the remainder of that financial year;

(4) The administrative directions made by the former Institute or by the Minister which are in force immediately before the appointed day shall, on or after such day, have force as if they were directions made by the Councillor or the Minister under this Act;

[Subsidiary]

(5) Any permit, license or authority of any kind issued or granted to the Institute by or under any Act continues to operate as if issued or granted to the Institute;

(6) Any donor or government funding of a continuing nature administered by the former Institute or its Council and existing immediately before the commencement of this order shall be administered by the Institute, but otherwise in accordance with the terms and conditions to which it was subject immediately before that date;

(7) All contracts, deeds, bonds, agreements, arrangements, guarantees and other instruments made or entered into by, on behalf of, or in relation to the former Institute or its Council have effect as if made or entered into by, on behalf of, or in relation to the Institute;

(8) All actions, claims, arbitrations, applications and other proceedings (including proceedings on appeal or review) pending or existing immediately before the commencement of this act by, against, or in relation to the former Institute have effect as if they were proceedings by, against, or in relation to the Institute, and may be continued and completed accordingly; and

(9) Any permit, licence or authority issued or granted to the former Institute by or under any law for the time being in force shall, notwithstanding anything in this Order operate continues to operate, despite anything in this Order, in favour of the Institute in the same way and to the same extent as it operated in favour of the former Institute.

26. Assets and liabilities of College

(1) All movable and immovable property which immediately before the commencement of this Order vested in the Board of Governors of the College (now closed) shall upon such commencement vest in the Institute.

(2) Any person who is an employee of the Board of Governors of the College before the commencement of this Order shall be deemed to be employees of the Council of the Institute.

Provided that such person shall, within a period of one year from the commencement of this Order, enter into a written contract of service with the Council of the Institute, whereupon his service with the College shall be deemed to have been terminated without right to severance pay but without prejudice to all other remuneration and benefits payable upon such termination.

(3) Any employee of the Teachers' Service Commission deployed in the College before the commencement date of this Order shall be redeployed by that Commission.

27. Interpretation of Part

“College” means the Highridge Teachers' Training College established by under the Act;

“former Institute” means the Kenya Education Staff Institute established by the Education (Kenya Education Staff Institute) Order, 1988 (now revoked).

KENYA INSTITUTE OF EDUCATION ORDER, 2010

ARRANGEMENT OF ORDERS

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Order

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2. Interpretation.

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3. Establishment of Kenya Institute of Education.
4. Functions of the Institute.
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PART III – THE COUNCIL OF THE INSTITUTE

6. The establishment of the Council.
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[Subsidiary]

KENYA INSTITUTE OF EDUCATION ORDER, 2010

[L.N. 120/2010.]

PART I – PRELIMINARY

1. This Order may be cited as the Kenya Institute of Education Order, 2010.
2. In this Order, except where the context otherwise requires—
 - “**Minister**” means the Minister for the time being responsible for matters relating to Education;
 - “**Council**” means the Council of the Institute established under paragraph 6;
 - “**member**” means a member of the Council;
 - “**Institute**” means the Kenya Institute of Education established under paragraph 3;
 - “**Director**” means the Director of the Institute appointed under paragraph 10;
 - “**Staff**” means the staff of the Institute;
 - “**curriculum**” means all the programmes of the Institute that facilitate formal, non-formal and informal learning.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE INSTITUTE

3. Establishment of Kenya Institute of Education

(1) There is hereby established an Institute to be known as the Kenya Institute of Education, which shall be a body corporate with perpetual succession and a common seal, and which shall in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property, and
- (c) doing or performing all such other things or acts necessary for the proper performance of its functions which may lawfully be done by a body corporate.

(2) The Institute shall be the successor to the Institute known as the Kenya Institute of Education existing immediately before the commencement of this Order.

4. Functions of the Institute

The functions of the Institute shall be to—

- (a) implement the policies relating to curriculum development in basic and tertiary education and training;
- (b) initiate, develop and review curricula for basic and tertiary education and training in collaboration with other relevant bodies ;
- (c) prepare programmes and curricula for—
 - (i) early childhood care, development and education;
 - (ii) primary education;
 - (iii) secondary education;
 - (iv) adult, continuing and non-formal education;
 - (v) teacher education and training;
 - (vi) special education;

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- (vii) tertiary education and training; and
- (viii) management, industrial and professional training;
- (d) initiate and conduct curriculum based research to inform curriculum development;
- (e) collect, document and catalogue information on curricula, curriculum materials and innovations to create a data bank and disseminate the information to educational institutions and stakeholders;
- (f) publish and disseminate information relating to curriculum for basic and tertiary education and training;
- (g) organize and conduct in-service and orientation programmes for teachers, teacher trainers, quality assurance standard officers and field officers involved in education and training on curriculum programmes and materials;
- (h) prepare, disseminate and transmit programmes and curriculum support materials through mass media, learning, distance learning and any other mode of delivering education and training programmes and materials;
- (i) initiate and propose policy review in curriculum development;
- (j) evaluate, vet and approve curriculum and curriculum support materials for all basic and tertiary education and training programmes;
- (k) offer curriculum-based consultancy services in basic and tertiary education and training; and
- (l) receive, consider, develop and review curriculum proposals.

5. Powers of the Institute

In the performance of its functions under paragraph 4, the Institute may—

- (a) create, develop, apply for and hold intellectual property rights and enter into agreements or arrangements for their commercial exploitation or otherwise as the Council may consider appropriate;
- (b) enter into arrangements with other similar institutions or professional organizations, whether within or outside Kenya; and
- (c) do any other thing which is necessary or convenient to be done in connection with or incidental to its functions.

PART III –THE COUNCIL OF THE INSTITUTE

6. The establishment of the Council

(1) There shall be a Council of the Institute, which shall have the responsibility of managing the Institute in accordance with this Order.

(2) The Council shall consist of the following members—

- (a) a chairperson appointed by the President;
- (b) the Permanent Secretary in the Ministry responsible for education;
- (c) the Permanent Secretary in the Ministry responsible for higher education, science and technology;
- (d) the Permanent Secretary to the Treasury; and
- (e) not more than seven other members, not being employees of the Institute and of whom not more than three shall be public officers, appointed by the Minister; and
- (f) the Director of the Institute, who shall be the Secretary.

[Subsidiary]

(3) The members referred to in paragraph (2)(b), (c) and (d) may, in writing, designate a senior officer, not being below the level of a Deputy Secretary, to represent them on the Council.

7. Qualifications for appointment

A person shall be eligible for appointment as the chairman or a member of the Council if such person—

- (a) in the case of the chairman, holds a degree from a recognized university and at least ten years experience in the matters related to education; and
- (b) in the case of a member, holds a degree from a recognized university in his area of specialization.

8. Term of office

(1) Subject to the provisions of this Order, the Chairperson and members of the Council shall hold office for a term of three (3) years and shall be eligible for re-appointment for one further term:

Provided that in the case of the initial members appointed under this Order, the Council shall, at its first meeting, elect—

- (a) four (4) members whose terms of office shall expire at the end of two years from the date of appointment; and
- (b) other members whose terms of office shall expire at the end of three years from the date of appointment.

9. General functions of the Council

The Council shall have all the powers necessary for the proper performance of its functions under this Order, and in particular, but without prejudice to the generality of the foregoing, the Council shall have power to—

- (a) manage, supervise and administer the assets of the Institute in such a manner as best promotes the purpose for which the Institute is established;
- (b) determine the provisions to be made for capital, recurrent expenditure and for reserves of the Institute;
- (c) receive any grants, gifts, donations or endowments on behalf of the Institute and make legitimate disbursements there from;
- (d) enter into association with such other bodies or organizations within or outside Kenya as the Council may consider desirable or appropriate and in furtherance of the purpose for which the Institute is established;
- (e) open a banking account or bank accounts for the funds of the Institute; and
- (f) constitute working panels for the purpose of the performance of the functions of the Council.

10. Director

(1) There shall be a Director of the Institute who shall be appointed by the Council on such terms and conditions as may be approved by the Minister and specified in the instrument of appointment.

(2) The Director shall be the chief executive officer of the Institution and responsible to the Council for the day-to-day management of the affairs of the Institute.

11. Committees of the Council

(1) The Council may establish such committees as it may consider appropriate to perform such functions and discharge such responsibilities as it may determine.

[Subsidiary]

(2) Without prejudice to the provisions of subparagraph (1), the Council shall establish the following Committees and Panels:

- (a) the Academic Committee;
- (b) the Finance Committee;
- (c) the Audit Committee; and
- (d) the Human Resource and Integrity Committee.

12. Academic Committee

(1) The Academic Committee shall consist of—

- (a) the Education Secretary who shall be the chairman; and
- (b) not less than thirteen nor more than twenty members appointed by the Council.

(2) The members of the Academic Committee shall be appointed to represent—

- (a) the Ministries responsible for
 - (i) education;
 - (ii) higher education, science and technology;
- (b) the Kenya National Examinations Council;
- (c) the Commission for Higher Education;
- (d) the Kenya Institute of special Education; and
- (e) the schools of Education in a public and a private university respectively.

(3) The Committee may co-opt other persons whose knowledge and experience it may find necessary for the performance of its functions—

- (a) keep under constant review the curricula at different levels of education and training as provided for in paragraph (c);
- (b) oversee the quality of educational programmes developed by the Institute;
- (c) coordinate and guide the activities of subject and course panels appointed under paragraph 13;
- (d) review broad issues relating to curriculum and education policy and make recommendations to the Council; and
- (e) approve all educational programmes developed at the Institute on the behalf of the Council.

(4) The Academic Committee may establish its own rules of procedure and shall submit the proceedings of its meetings to the Council for approval.

13. Course, subject research and evaluation panels

(1) The Council shall, in consultation with the Academic Committee, appoint and assign functions to such Course Panels, Subject Panels, and Research and Evaluation Panels as it may consider necessary.

(2) The chairpersons of the panels appointed under this paragraph shall be as follows—

- (a) Each course panel shall be chaired by an officer who is in charge of quality assurance in the Ministry responsible for education;
- (b) Each subject panel shall be chaired by an appropriate subject specialist in charge of quality assurance and standards; and

[Subsidiary]

- (c) The Research and Evaluation panel shall be chaired by the Education Secretary in the Ministry responsible for higher education, science and technology.
- (3) The functions of a course panel shall be to—
 - (a) examine the curriculum in a broad educational area;
 - (b) keep the relevant course under constant review and make recommendations to the Academic Committee;
 - (c) coordinate and guide the activities of the Subject Panels; and
 - (d) where applicable, liase with other institutions and agencies involved in human resource development.
- (4) The functions of a Subject Panel shall be to—
 - (a) initiate and guide appropriate curriculum development activities in the relevant subject;
 - (b) keep the existing syllabuses in a subject or curriculum area under constant review and make recommendations to the Course Panel;
 - (c) review teaching and learning materials and make recommendations to the Course Panel; and
 - (d) keep assessments and examinations conducted in the relevant subject under constant review and make recommendations to the Course Panel.
- (5) The functions of the Research and Evaluation Panel shall be to—
 - (a) initiate and guide appropriate research projects;
 - (b) keep the need for curriculum based research and evaluation under constant review and
 - (c) give general guidance and support to the curriculum-based research and evaluation programmes of the Institute.

14. Secretariat Services

The Director shall provide secretariat services to the Academic Committee and the panels appointed under paragraph 11.

15. Delegation by Council

The Council may, by resolution either generally or in any particular case delegate to any committee of the Council or to any member, officer, employee or agent of the Institute, the exercise of any of the powers or the performance of any of its functions or duties.

16. Vacancy in office

The office of a member of the Council, other than an *ex officio* member, shall become vacant—

- (a) when the member resigns by giving notice in writing, in the case of the chairman, to the President, and in the case of any other member, to the Minister, which notice shall take effect on the date specified therein, and, where no date is specified, on the date of receipt of the notice by the President or the Minister, as the case may be;
- (b) when the appointment is revoked by the Minister where the member—
 - (i) becomes insolvent or enters into a composition or scheme of arrangement for the benefit his creditors;
 - (ii) is convicted of any offence by a court of competent jurisdiction;
 - (iii) is incapacitated by reason of infirmity of body or mind;

[Subsidiary]

- (iv) is absent from three consecutive meetings of the Council without the leave of the chairperson; or
- (v) is otherwise unable or unfit to discharge the functions of the Council.

(2) Where the office of the chairman or a member of the Council becomes vacant under this paragraph, the President or the Minister, as the case may be, may appoint another person as a replacement of the person vacating office.

17. Frequency of meetings and special meetings

(1) The Council shall hold not less than four meetings in every financial year, and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding the provisions of subparagraph (1), the chairperson may, and shall, upon requisition in writing by at least five members of the Council, convene a special meeting of the Council at any time for the transaction of its business.

(3) The notice for a meeting for the Council shall be in writing, and shall be for a period of—

- (a) fourteen days in the case of a meeting under subparagraph (1); and
- (b) seven days in the case of a meeting under subparagraph (2).

18. Quorum

The quorum for the conduct of business at a meeting of the Council shall be two thirds of all the members of the Council.

19. Chairing of meetings

(1) The Chairperson shall preside at every meeting of the Council at which he is present.

(2) In the absence of the chairperson from the meeting the vice chairperson shall chair, and in the absence of both the chairperson and the vice-chairperson, the members present shall elect one of their number to preside, who shall, with respect to that meeting

20. Decisions of the Council

Unless a unanimous decision is reached, a decision on any matter before the Council shall be by a majority of the votes of the members present and voting, and in the case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

21. Disclosure of interest

(1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Council and is present at a meeting of the Council at which the contract, proposed contract or other matter is the subject of consideration, the member shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Council who contravenes subparagraph (1) commits an offence and shall be liable on conviction to a fine of one hundred thousand shillings, or to imprisonment for a term of six months, or to both.

[Subsidiary]

22. Common Seal

(1) Subject to this Order, the common seal of the Council shall be kept in such custody as the Council may direct and shall not be used except in the manner authorized by the Council.

(2) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Council—

- (a) where they are required to be under seal, if sealed with the common seal of the Council and authenticated by the Chairperson and the Secretary;
- (b) where they are not required to be under seal, if executed in that behalf by a member authorized by the Council for that purpose.

(3) A deed, instrument, contract or other document executed in accordance with subparagraph (2) shall be effective in law to bind the Council and its successors and may be varied or discharged in the same manner as that in which it was executed.

23. Remuneration

The members of Council shall be paid such remuneration or allowances as the Council may, with the approval of the Minister, determine, and shall be entitled to be paid their travelling and other expenses in connection with the work of the Institute.

24. Appointment of staff

The Council may employ such staff or engage such consultants or experts or approve such secondment as may be necessary for the proper performance of its functions, on such terms and conditions as may be approved by the Minister.

25. Protection from personal liability

Nothing done by a member of the Council or any officer, employee or agent of the Council shall, if it is done *bona fide* for executing the functions, powers or duties of the Council, render the member, officer, employee or agent or any person acting on the directions of the Council personally liable to any action, claim or demand whatsoever.

PART IV – FINANCIAL PROVISIONS

26. Funds of the institute

(1) The funds of Institute shall comprise of—

- (a) such sums as may be provided by Parliament;
- (b) such monies as may accrue to or vest in the Institute in the course of the exercise of its powers or the performance of its functions under this Order or under any other written law; and
- (c) all monies from any other source provided for or donated or lent to the Institute.

27. Financial year

The financial year of the Institute shall be the period of twelve months ending on the thirtieth day of June in each year.

28. Annual estimates

(1) At least three months before the commencement of each financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the Institute for that year.

[Subsidiary]

(2) The annual estimates shall make provision for all the estimated expenditure of the Institute for the financial year, and in particular, the estimates shall provide for—

- (a) the payment of salaries, allowances and other charges in respect of the staff of the Institute;
- (b) the payment of pensions, gratuities and other charges in respect of the staff of the Institute; and
- (c) the proper maintenance of the buildings and grounds of the Institute.

(3) 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 Minister for approval.

29. Books of accounts records, audit and reports

(1) The Council shall cause to be kept proper books of accounts of all the income and expenditure, assets and liabilities undertakings, funds, activities, contracts, transactions and other business of the Institute.

(2) The Council shall ensure that all money received is properly brought to account, all payments out of its funds are correctly made and properly authorized and that adequate control is maintained over its assets and liabilities.

(3) The account of the Institute shall be audited in accordance with the Public Audit Act, 2003 (Act No. 12 of 2003.).

30. Investments of funds

(1) The Council may invest any of the funds of the Institute in any securities which the Treasury may, from time to time, approve for that purpose.

(2) The Council may, subject to the approval of Treasury, place on deposit with such bank or banks as the Council may determine, any monies not immediately required for the purposes of the Institute.

(3) Any balance of grant may be carried forward in the accounts of the Council from one year to the next and be expended as the Council may determine, or be put into a reserve account of the Council.

PART V – TRANSITIONAL PROVISIONS

31. Repeal of L.N. 105/1976 and savings

(1) The Kenya Education Staff Institute Order, 1976 is revoked.

(2) Notwithstanding subparagraph (1), upon the commencement of this Order—

- (a) all the rights duties, obligations, assets and liabilities of the former Institute existing at the commencement of this Order shall be automatically and fully transferred to the Institute;
- (b) any reference to the former Institute in any contract or document shall, for all purposes, be deemed to be a reference to the Institute;
- (c) any person who is an employee of the former Institute immediately before the commencement of this Order shall upon such commencement be deemed to be an employee of the Institute.
- (d) the annual estimates of the former Institute for the financial year in which the appointed day occurs shall be deemed to be the annual estimates of the Institute for the remainder of that financial year;

[Subsidiary]

- (e) the administrative directions made by the former Institute or by the Minister and which are in force immediately before the appointed day shall, on or after such day, have force as if they were directions made by the Council or the Minister under this Act;
- (f) any donation or government funding of a continuing nature administered by the former Institute or its Council and existing immediately before the commencement of this Order shall be administered by the Institute, but otherwise in accordance with the terms and conditions to which it was subject immediately before that date;
- (g) all contracts, deeds, bonds, agreements, arrangements, guarantees and other instruments made or entered into, on behalf of shall, or in relation to the former Institute or its Council have effect as if made or entered into by, on behalf of, or in relation to, the Institute;
- (h) all actions, claims, arbitrations, applications and other proceedings (including proceedings on appeal or review) pending or existing immediately before the commencement of this Order, by, against, or in relation to the former Institute shall have effect as if they were proceedings by, against, or in relation to the Institute, and may be continued and completed accordingly; and
- (i) the members of the Council of the former Institute immediately before the appointed day shall be deemed to be members of the Council appointed under paragraph 6 of this Order.

(3) In this part—

“appointed day” means the day on which this Order comes into force;

“former institute” means the Kenya Institute of Education established by the Kenya Institute of Education Order, 1976.