



LAWS OF KENYA

THE SCIENCE AND TECHNOLOGY ACT

CHAPTER 250

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CHAPTER 250**THE SCIENCE AND TECHNOLOGY ACT****ARRANGEMENT OF SECTIONS****PART I—PRELIMINARY***Section*

- 1—Short title.
- 2—Interpretation.

PART II—NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY

- 3—Establishment and composition of the Council.
- 4—Functions of the Council.
- 5—Steering Committee.
- 6—Other committees of the Council.
- 7—Annual report.

PART III—ADVISORY RESEARCH COMMITTEES

- 8—Advisory Research Committees.
- 9—Functions of a Research Committee.
- 10—Reports of Research Committees.

PART IV—RESEARCH INSTITUTES

- 11—Interpretation of Part.
- 12—Establishment of Research Institutes.
- 13—Incorporation of Research Institutes.
- 14—Functions of Research Institutes.
- 15—Establishment of Boards of Management.
- 16—Functions of the Boards.
- 17—Discoveries and inventions.
- 18—Financial provisions.
- 19—Director.
- 20—Annual Report.

SCHEDULES

CHAPTER 250

THE SCIENCE AND TECHNOLOGY ACT

3 of 1977,
L.N. 232/1977,
7 of 1979,
13 of 1980,
12 of 1985,
L.N. 40/2000.

Commencement: 1st July, 1977

An Act of Parliament to establish machinery for making available to the Government advice upon all matters relating to the scientific and technological activities and research necessary for the proper development of the Republic; and for the co-ordination of research and experimental development; and for matters incidental thereto and connected therewith

PART I—PRELIMINARY

1. This Act may be cited as the Science and Technology Act. Short title.

2. In this Act, except where the context otherwise requires— Interpretation.

“appointed member” means a member of the Council appointed under paragraph (b) of subsection (2) of section 3; 7 of 1979, s. 3.
13 of 1980, Sch.

“Council” means the National Council for Science and Technology established by subsection (1) of section 3;

“Director” means a director of a Research Institute appointed under section 19;

“Research Committee” means an Advisory Research Committee established by or under section 8;

“Research Institute” means a Research Institute established by or under section 12;

“scheduled Ministry” means a Ministry listed in Part A of the First Schedule;

“scheduled science” means one of the groups of sciences listed in Part B of the First Schedule.

PART II—NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY

3. (1) There is hereby established a body to be known as the National Council for Science and Technology. Establishment and composition of the Council.

(2) The Council shall consist of—

(a) the Permanent Secretaries of the scheduled Ministries;

(b) twelve members appointed by the Minister each of whom shall be a scientist of eminence in a scheduled science, and in making such appointments the Minister shall ensure that each scheduled science is represented by at least one member suitably qualified therein.

(3) The Second Schedule shall have effect with respect to the Council.

(4) There shall be paid to each appointed member such remuneration and allowances as the Treasury may approve.

(5) All moneys necessary for the remuneration and allowances of appointed members and for the other expenses of the Council and the committees thereof shall be paid out of moneys provided by Parliament for that purpose.

Functions of the Council.

4. The functions of the Council shall be—

- (a) to determine priorities for scientific and technological activities in Kenya in relation to the economic and social policies of the Government and its international commitments;
- (b) to advise the Government on a national science policy, including general planning and the assessment of the requisite financial resources;
- (c) to ensure the application of the results of scientific activities to the development of agriculture, industry and social welfare in Kenya;
- (d) to advise the Government on the scientific and technological requirements for the conservation of the natural and social environment in Kenya;
- (e) to ensure co-operation and co-ordination between the various agencies involved in the machinery for making the national science policy;
- (f) to promote public confidence in scientific expenditure and an atmosphere conducive to scientific activities;
- (g) to consider and advise generally on all scientific activities, including—

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- (i) the application of the results of research;
 - (ii) the transfer of technology into agriculture and industry;
 - (iii) scientific and technical manpower (actual and potential);
 - (iv) scientific research (oriented and non-oriented) and technology;
 - (v) science education, not only at the advanced level in respect of the quality and quantity of potential manpower training but also at lower levels in respect of general science education for the public; and
 - (vi) scientific documentation, statistics, surveys and general information;
- (h) to advise on suitable organizational arrangements for planning, managing and coordinating scientific activities at various levels, including the setting up of new Research Committees, and of research councils, research establishments and technical services;
- (i) to advise the Government on the overall financial requirements for the implementation of the national science policy and on disbursements to the agencies concerned;
- (j) to review generally and advise on the programmes and budgets for the promotion of the research and related scientific activities proposed by Ministers concerned and ensure that they are in harmony with the national science policy;
- (k) to carry out independently or in co-operation with any appropriate person, body of persons, agency or institution such surveys and investigations as the Council may consider necessary for its tasks;
- (l) to sponsor such national and international scientific conferences as it may consider appropriate;
- (m) to maintain relationships with corresponding scientific organizations in other countries; and
- (n) to undertake any other activities likely to assist in the carrying out of its functions.

Steering
Committee.

5. (1) The Council shall appoint a committee, to be known as the Steering Committee, to elaborate the general science plan and to co-ordinate the work of other committees of the Council.

(2) The Steering Committee—

(a) shall consist of the chairman of the Council, who shall be the chairman of the Committee, and at least six other members of the Council;

(b) may from time to time co-opt other persons as additional members whether such persons are members of the Council or not.

(3) The secretary to the Council shall be the secretary to the Steering Committee and shall attend all meetings thereof but shall not be entitled to vote.

(4) The quorum of the Steering Committee shall be not less than one-half of its current membership.

Other committees of
the Council.

6. (1) The Council may from time to time appoint such working or other committees as it may think fit, and may provide for the regulation of the proceedings of any such committee, including the quorum thereof.

(2) A committee appointed under this section—

(a) shall consist of a member of the Council, who shall be the chairman of the committee, and of such other members of the Council (if any) as the Council may think appropriate; and

(b) may co-opt any person as an additional member of the committee, whether such person is a member of the Council or not.

Annual report.

7. As soon as may be after the end of each year, the Council shall furnish to the Minister a report on the activities of the Council during that year.

PART III—ADVISORY RESEARCH COMMITTEES

Advisory Research
Committees.

8. (1) There are hereby established the Advisory Research Committees set forth in the first column of Part A of the Third Schedule.

(2) The Minister may, by notice in the Gazette—

(a) add further Research Committees to the Third Schedule,

which shall be deemed to have been established under subsection (1) from the date of the publication of the notice or from such later date as the Minister may specify therein;

(b) amend the third column of the Third Schedule.

(3) Part B of the Third Schedule shall have effect with respect to a Research Committee.

(4) All moneys necessary for the payment of salaries and allowances of members of the Research Committees, other than public officers, and of other expenses of such Committees shall be paid out of moneys provided by Parliament for that purpose.

9. The functions of a Research Committee shall be—

Functions of a
Research
Committee.

(a) to advise, within its sector of scientific responsibility, all appropriate Ministers on:

(i) the details of the research programmes and projects required to implement the research priorities arising from the national science policy;

(ii) the concomitant budget requirements so arising;

(iii) the encouragement, promotion and co-ordination of all types of research; and

(iv) the application of the results of research through the technical and development services of the Government;

(b) to consider all types of research (fundamental, applied and developmental) pertaining to its sector of scientific responsibility;

(c) to survey and register research programmes, and scientific and research facilities and personnel, governmental and otherwise, throughout Kenya;

(d) to record research programmes of interest to Kenya being carried on outside Kenya, including those of the research institutes of the Community;

(e) to disseminate information on such research programmes both inside and outside Kenya;

(f) to assess the value of those research programmes in terms

of their significance to the national economy and so advise the Ministers concerned and the Council;

- (g) to advise the Ministers concerned and the Council on such organizational changes, including the creation of institutes, as are required to implement, or further the efficiency of, the research required by Kenya;
- (h) to encourage general education in the scheduled sciences and advise on the sponsoring of postgraduate training, and to advise Ministers and the Council on the manpower and educational requirements for research;
- (i) to maintain a close liaison with foreign and international bodies or organizations with similar interests;
- (j) to advise on the publishing of the results of research, particularly in relation to the problems of Kenya and the popularizing of such results where their general recognition is considered to be of national importance;
- (k) to advise on a quinquennial (or other suitable period related to the Development Plan) programme for research and the estimates for the concomitant budget;
- (l) to review, annually, the progress in research and to prepare for each Ministry its detailed programme and expenditure for the following year;
- (m) to carry out such other activities as will further the advancement of research and its application to development.

Reports of Research Committees.

10. Each Research Committee shall, as soon as may be after the end of each year, compile and publish a report—

- (a) containing a statement of the activities of the Committee during that year;
- (b) reviewing the major achievements of research within its sector of scientific responsibility during that year; and
- (c) showing the status of the programme mentioned in paragraph (k) of section 9 as at the end of that year.

PART IV—RESEARCH INSTITUTES

Interpretation of Part.

11. In this Part, unless the context otherwise requires—

“participating Minister” means the Minister for the time being responsible for the matters set out in the fourth column of the Fourth Schedule; 7 of 1979, s. 4.

“responsible Minister” means the Minister for the time being responsible for the matters set out in the third column of the Fourth Schedule.

12. (1) There are hereby established the Research Institutes set forth in the first column of the Fourth Schedule. Establishment of Research Institutes.

(2) The Minister may on the advice of the Council and after consultation with the appropriate responsible Minister and participating Ministers, by notice in the Gazette, add further Research Institutes to the Fourth and Fifth Schedules and amend any of the provisions therein.

13. Each Research Institute shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name and to acquire, hold and dispose of movable and immovable property for its own purposes. Incorporation of Research Institutes.

14. The functions of Research Institutes shall be—

- (a) to carry out research in the fields specified in the Fifth Schedule;
- (b) to co-operate with other organizations and institutions of higher learning in training programmes and on matters of relevant research;
- (c) to liaise with other research bodies within and outside Kenya carrying out similar research;
- (d) to disseminate research findings;
- (e) to co-operate with the responsible Ministry, the Council and the relevant Research Committee, in matters pertaining to research policies and priorities;
- (f) to do all such things as appear to be necessary, desirable or expedient to carry out its functions.

Functions of Research Institutes.

15. (1) There shall be a Board Management for each Research Institute which shall consist of— Establishment of Boards of Management.

- (a) the Permanent Secretary of the responsible Ministry or his representative;

- (b) the secretary of the Council or his representative;
- (c) the secretary of the relevant Research Committee;
- (d) the Director of the Research Institute, who shall the Secretary to the Board;
- (e) the Permanent Secretaries of the participating Ministries or their representatives;
- (f) not more than seven members, appointed by the responsible Minister, who shall be qualified persons in matters relating to the research activities of the Research Institutes.

(2) The responsible Minister shall appoint a chairman from among the members appointed under this section.

(3) The Sixth Schedule shall have effect with regard to appointments to and procedures of Boards of Management.

(4) The moneys necessary for the payment of salaries and allowances of members of Boards, other than public officers, and of other expenses of such Boards, shall be paid out of moneys provided by Parliament for that purpose.

Functions of the
Boards.

16. (1) The functions of Boards of Management shall be—

- (a) to administer the property and funds of the Research Institute in such manner and for such purposes as will, in the opinion of the Board, promote its best interests;
- (b) on the advice of the relevant Research Committee, to approve and submit through the responsible Ministry programmes of research and financial estimates for the consideration of the Council and the Treasury;
- (c) to administer approved estimates;
- (d) to receive on behalf of the Research Institute grants in aid, gifts, donations, fees, subscriptions or other moneys and make disbursements therefrom;
- (e) to make regulations governing the appointment, conduct and discipline of employees of the Research Institute;
- (f) in consultation with the Council to draw up a scheme of

service for employees of the Research Institute;

- (g) to administer the approved terms and conditions of service, including appointments, dismissals, remuneration and retiring benefits, of employees of the Research Institute;
- (h) to manage the secondment of personnel to and out of the Research Institute in co-operation with other agencies;
- (i) to appoint such employees upon terms and conditions to be laid down by the Board after consultation with the Council as it considers necessary for the efficient conduct and operation of the Research Institute.

17. (1) All rights in all discoveries, inventions and improvements in respect of processes, apparatus and machines made on behalf of Research Institutes shall vest in the respective Research Institute but may be made available by it for use in the public interest. Discoveries and inventions.

(2) Publication relating to work carried out on behalf of a Research Institute shall be subject to approval by the Institute.

18. (1) Each Research Institute shall be financed by grants in aid through the responsible Ministry, but it may also accept gifts, donations, subscriptions, fees and other moneys for the implementation of approved programmes. Financial provisions.

(2) The financial year of each Research Institute shall be the same as the Government financial year.

(3) The estimates of each Research Institute shall be submitted through the responsible Ministry for approval by the Treasury on the advice of the Council and shall make provisions for all the expenditure of the Research Institute for the financial year concerned, and in particular shall provide for—

- (a) the payment of salaries, allowances and all other charges in respect of employees of the Research Institute;
- (b) the payment of pensions, gratuities and all other charges in respect of retirement benefits payable out of the funds of the Research Institute;
- (c) the procurement, proper maintenance, repair and replacement of equipment and other movable property of the Research Institute;

- (d) the proper maintenance of the buildings and grounds of the Research Institute;
- (e) the funding of research activities in the Research Institute;
- (f) the creation of such reserve funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of buildings or equipment, or in respect of such other matters, as the Board may think fit;
- (g) the cost of Board meetings;
- (h) capital expenditure.

(4) The Board of Management shall cause to be kept and the Director shall keep all proper books of account of the Research Institute.

12 of 1985, Sch.

(5) The accounts of each Research Institute shall be audited by the Auditor-General (Corporations).

(6) The disposal of fixed assets by the Board of Management shall be subject to the approval of the Treasury.

Director.

19. (1) The responsible Minister shall, on the recommendation of the relevant Board of Management, appoint a Director of each Research Institute who shall hold office on such terms and conditions of service as may be specified in the instrument of his appointment.

(2) The Director, who shall be competent in research matters relating to the Research Institute, shall be its chief executive officer and responsible to the Board of Management for its management.

Annual Report.

20. Each Research Institute shall, as soon as possible after the end of each financial year, compile and publish a report containing—

- (a) a statement outlining its activities and major achievements during the previous year, and its future programmes of research; and
- (b) a statement of accounts for that year.

FIRST SCHEDULE

(s. 2)

PART A—THE SCHEDULED MINISTRIES

The Office of the President and the Ministries under the direction of the Ministers for the time being responsible for matters relating to—

- (a) agriculture;
- (b) commerce and industry;
- (c) social services;
- (d) education;
- (e) finance and economic planning
- (f) health;
- (g) housing;
- (h) lands;
- (i) natural resources;
- (j) power and communications;
- (k) public works;
- (l) wildlife;
- (m) water development; and
- (n) foreign affairs.

PART B—THE SCHEDULED SCIENCES

- (a) agricultural and allied sciences;
- (b) physical sciences (including chemical sciences and mathematics);
- (c) industrial sciences, engineering and technology;
- (d) medical sciences (including pharmacology);
- (e) natural sciences (biosciences and geosciences); and
- (f) social sciences.

SECOND SCHEDULE

(s. 3 (3))

PROVISIONS AS TO THE NATIONAL COUNCIL FOR SCIENCE AND
TECHNOLOGY

1. Save as hereinafter provided, an appointed member shall hold office for such period not exceeding three years as the Minister may specify in the instrument of appointment, and shall be eligible for reappointment.

2. An appointed member may at any time, by notice in writing addressed to the Minister, resign his office, and any such resignation shall have effect from the date of receipt of the notice by the Minister.

3. If the Council so recommends, the Minister may, by notice in writing addressed to an appointed member, terminate the appointment of such member without assigning any reason therefor, and such termination shall have effect from the date of receipt of the notice by the member or from such later date as the Minister may specify in the notice.

4. A Permanent Secretary who is a member of the Council may, with the consent of the Minister, appoint a public officer holding a rank not below Under Secretary to be an alternate member of the Council and such alternate member may exercise any of the functions, as member of the Council, of such Permanent Secretary during any period in which the Permanent Secretary is prevented by any reasonable cause from exercising such functions personally.

5. The Minister shall appoint an appointed member to be chairman of the Council who shall hold office as such for a period of two years, unless he sooner ceases to be a member of the Council, and shall be eligible for reappointment as chairman, so however that no person shall hold office as chairman for more than two such periods consecutively.

6. The Public Service Commission shall appoint a person who is qualified in a scheduled science to be the secretary to the Council, and the secretary shall attend all meetings of the Council but shall not be entitled to vote thereat.

7. Where the Minister is satisfied that, owing to illness, absence or other reasonable cause, the chairman of the Council or any other appointed member is temporarily unable to exercise his functions as such, he may appoint another appointed member to act as chairman, or a suitably qualified person to act as appointed member, as the case may be, during the period of such disability.

8. Save as hereinafter provided the Council may regulate its procedure as it thinks fit.

9. The Council shall meet not less than twice in each year.

10. The quorum of the Council shall be six *ex officio* members and six appointed members.

11. The chairman of a research committee, and any other person permitted to do so by the Council, may attend any meeting of the Council and participate in its proceedings, but shall not be entitled to any vote at such meeting.

THIRD SCHEDULE

(s. 8)

L. N. 40 of 2000.

PART A—RESEARCH COMMITTEES

<i>Committee</i>	<i>Minister responsible</i>	<i>Participating Ministers</i>
The Agricultural Science Advisory Research Committee.	Agriculture	(i) Natural Resources. (ii) Wildlife. (iii) Water Development.
The Medical Science Advisory Research Committes.	Health	-
The Industrial Sciences Advisory Research Committee.	Industry	(i) Social Services. (ii) Housing. (iii) Power and Communications.
The Natural Science	Natural Resources	(i) Lands. (ii) Wildlife. (ii) Water Development.
National Advisory Research Committes on genetics Resources	Education, Science and Technology	(i) Education, Science and Techonology; (ii)Office of the President; (iii)Tourism,Trade and Industry; (iv)Natural Resources, Environment and Forestry; (v)Agriculture; (vi) Health; (vii) Finance; (viii) Home Affairs, Heritage and Sports.

PART B—PROVISIONS AS TO RESEARCH COMMITTEES

1. In this Schedule—

“the Minister responsible”, in relation to a Research Committee, means the Minister for the time being responsible for matters relating to the subject set forth in column 2 of Part A in respect of that Committee;

“participating Minister”, in relation to a Research Committee, means a Minister who is for the time being responsible for matters relating to one of the subjects set forth in column 3 of Part A in respect of that Committee.

2. A Research Committee shall consist of the following members, appointed by the Minister responsible after consultation with the participating Ministers—

- (a) a chairman who shall be a person of distinction in the sector of scientific responsibility of the Committee;
- (b) not more than ten members who are research scientists or technologists representing that sector of scientific responsibility; and
- (c) not more than three members who have close association with the development and use of the scheduled sciences included in that sector of scientific responsibility.

3. Save as hereinafter provided—

- (a) the chairman of a Research Committee shall hold office for a period of five years and shall be eligible for reappointment, so however that no person shall hold such office for more than two such periods consecutively;
- (b) a member, other than the chairman, of a Research Committee, shall hold office for a period of three years up to a maximum consecutive period of seven years.

4. A member of a Research Committee may at any time, by notice in writing addressed to the Minister responsible, resign his office, and any such resignation shall have effect from the date of receipt of the notice by the Minister.

5. If a Research Committee so recommends, the Minister responsible may, after consultation with the participating Ministers

and by notice in writing addressed to a member of that Committee, terminate the appointment of such member without assigning any reason therefor, and such termination shall have effect from the date of receipt of the notice by the member or from such later date as the Minister responsible may specify.

6. Where the Minister responsible for a Research Committee is satisfied that, owing to illness, absence or other reasonable cause, the chairman or any other member of the Committee is temporarily unable to exercise his functions as such, he may appoint a suitably qualified person to act as chairman or as a member, as the case may be, during the period of such disability and may at any time revoke such temporary appointment.

7. Save as hereinafter provided, a Research Committee may regulate its procedure as it thinks fit.

8. The quorum of a Research Committee shall be not less than one-half of its current membership.

9. Where the chairman of a Research Committee is unable for any reason to attend a meeting thereof, the members present may elect one of their number to preside at that meeting.

10. The following persons shall be entitled to attend a meeting of a Research Committee and to take part in the deliberations thereat, but not to vote—

- (a) representatives of the Minister responsible or of a participating Minister;
- (b) a Director or other head of a Government Research Department;
- (c) a member of the Council or of its secretariat;
- (d) representatives of any other Minister who has sought the advice of the Committee on any matter which is being considered at that meeting.

11. After consultation with a Research Committee the Minister responsible shall appoint a public officer to be the secretary to the Committee who shall manage the affairs of the Committee under its direction.

12. (1) A Research Committee may appoint such standing and other sub-committees as it may consider necessary for the more efficient

performance of its functions.

(2) A sub-committee appointed under this section shall consist of a chairman who shall be one of the members of the Research Committee and such other persons, whether or not members of the committee, as the Committee may think fit.

(3) A Research Committee may at any time dissolve, or vary the composition of, any sub-committee appointed by it.

(4) A Research Committee may fix the quorum of a sub-committee appointed by it, and may regulate the proceedings thereof in such manner as the Committee may think fit.

13. Any member of a Research Committee or of a sub-committee thereof who has a personal interest in any contract or arrangement proposed to be considered at a meeting of the Committee or sub-committee shall forthwith declare his interest to the meeting and shall not vote on any question relating to such contract or arrangement.

FOURTH SCHEDULE

(s. 12 (1))

L.N. 121/1986.

RESEARCH INSTITUTES

<i>Research Institute</i>	<i>Relevant Advisory Research Committee</i>	<i>Responsible Ministry (Ministry responsible for matters relating to)</i>	<i>Participating Ministry (Ministry responsible for matters relating to)</i>
Kenya Agricultural Research Institute.	Agricultural Sciences Advisory Research Committee.	Agriculture	(i) Natural Resources. (ii) Health. (iii) Water Development. (iv) Commerce and Industry. (v) Wildlife. (vi) Lands. (vii) Power and Communications.

Kenya Industrial Research and Development Institute.	Industrial Sciences Advisory Research Committee.	Industry	(i) Agriculture. (ii) Health (iii) Housing. (iv) Labour. (v) Works. (vi) Power and Communications. (vii) Water Development. (viii) Natural Resources.
Kenya Marine and Fisheries Research Institute.	Natural Sciences Advisory Research Committee.	Fisheries	(i) Natural Resources. (ii) Water Development. (iii) Health. (iv) Power and Communications.
Kenya Medical Research Institute.	Medical Sciences Advisory Research Committee.	Health	(i) Agriculture. (ii) Social Services. (iii) Water Development. (iv) Commerce and Industry (v) Education. (vi) Natural Resources.
Kenya Trypanosomiasis Research Institute	Medical Sciences Advisory Research Committee.	Health	(i) Wildlife. (ii) Agriculture.
Kenya Forestry Research Institute	Agriculture Advisory Research Committee.	Natural Resources	(i) Agriculture. (ii) Industry. (iii) Energy. (iv) Water Development. (v) Wildlife.

FIFTH SCHEDULE

(s.14)(a))

DETAILS OF FIELDS OF RESEARCH TO BE UNDERTAKEN

<i>Research Institute</i>	<i>Field of Research</i>
Kenya Agricultural Research Institute.	Agriculture . veterinary Science.
Kenya Industrial Research and Development Institute.	Industrial and allied Technology including— Civil Engineering, Mechanical Engineering, Textile Technology, Electrical Engineering , Mining, Power Resources, Chemical Engineering, Industrial Chemistry, Food Technology, Ceramics and Clay Technology.
Kenya Marine and Fisheries Research Institute.	Marine and Freshwater Fisheries. Aquatic Biology including— Environmental and Ecological Studies. Marine Research including— Chemical and Physical Oceanography.
Kenya Medical Research Institute.	Biomedical Sciences.
Kenya Trypanosomiasis Research Institute.	Human and Animal Trypanosomiasis.
Kenya Forestry Research Institute	Forestry

SIXTH SCHEDULE (s. 15 (3))PROVISIONS AS TO BOARDS OF MANAGEMENT OF
RESEACH INSTITUTES

1. Subject as hereinafter provided—

(a) an appointed member shall hold office for three years but shall be eligible for reappointment;

(b) the chairman shall hold office for three years or such shorter term as remains for his membership of the Board but shall be eligible for reappointment as chairman.

2. The chairman and any appointed member may at any time, by notice in writing addressed to the responsible Minister, resign his office, and any such resignation shall have effect from such date as the responsible Minister may decide.

3. The responsible Minister may terminate the appointment of the chairman or any member of the Board appointed by him without assigning any reason therefor, and such termination shall have effect from the date of receipt of the notice by the member or from such later date as the Minister may specify in the notice.

4. Where the responsible Minister is satisfied that owing to illness, absence or other reasonable cause the chairman or any other appointed member is temporarily unable to exercise his functions as such, he may appoint another appointed member as chairman, or a suitably qualified person to act as appointed member, as the case may be, during the period of such disability.

5. A quorum of any Board shall be one third of the current membership.

6. Decisions of any Board shall be by majority vote of the members present if a quorum, but in the event of a tie the chairman shall have a casting vote.

7. Each Board shall meet not less than three times in any calendar year.

8. Subject to the foregoing Boards may regulate their own procedures.

9. The common seal of each Board shall be authenticated by the

signatures of two members of the Board authorized in that behalf.

10. Any document purporting to be a document duly executed or issued under the seal of a Board or on behalf of a Board shall be received in evidence and be deemed to be a document so executed or issued without further proof unless the contrary is shown.

