LEGAL NOTICE NO. 271

THE BANKING ACT
(Cap. 488)
EXEMPTION

IN EXERCISE of the powers conferred by section 53 (1) of the Banking Act, the Cabinet Secretary for the National Treasury exempts, for the period up to the 30th June, 2018, the Commercial Bank of Africa Limited from the provisions of section 12 (b) of the Banking Act in connection with acquisition of shares in Crane Bank Rwanda Limited.

Dated the 3rd November, 2017.

HENRY ROTICH,
Cabinet Secretary for the National Treasury.

LEGAL NOTICE NO. 272

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) ACT
(No. 7 of 2007)
THE TRAFFIC ACT
(Cap. 403)
COMMENCEMENT OF AMENDMENTS

IN EXERCISE of the powers conferred by section 3 (c) of the Statute Law (Miscellaneous Amendments) Act, 2007, the Cabinet Secretary for Transport, Infrastructure, Housing and Development appoints the 11th December, 2017 as the date on which the amendments specified in the Schedule in relation to that Act the Traffic Act shall come into operation.

Dated the 18th October, 2017.

JAMES MACHARIA,
Cabinet Secretary Transport,
Infrastructure, Housing and Urban Development.

LEGAL NOTICE NO. 273

THE SCIENCE, TECHNOLOGY AND INNOVATION ACT
(No. 28 of 2013)

IN EXERCISE of the powers conferred by section 16 (1) and 17 (1) of the Science, Technology and Innovation Act, 2013, the Cabinet Secretary in the Ministry of Education, makes the following Order—
THE KENYA INSTITUTE OF PRIMATE RESEARCH ORDER, 2017

PART I—PRELIMINARY

1. This Order may be cited as the Kenya Institute of Primate Research Order, 2017.

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

‘biomedical research’ means preclinical translational research and testing of medical products in animal models and non-human primates;

‘Board’ means the Board of the Institute established under paragraph 7;

‘breeding colony’ means a congregation of generational non-human primates maintained in a designated primate facility;

‘Cabinet Secretary’ means the Cabinet Secretary for the time being responsible for matters relating to science and technology;

‘conservation Biology’ means the study of animal species with the aim of protecting them and their habitats from extinction;

‘Director-General’ means the Director General of the Institute appointed under paragraph 9;

‘incubation centre’ means a designated location for nurturing or mentoring scientists to move basic research to product development;

‘Institute’ means the Kenya Institute of Primate Research established under paragraph 3;

‘member’ means a member of the Board;

‘non-human primate’ means all animals in the order of primates except humans;

‘primatology’ means the study of non-human primates in their natural habitat and their interactions to humans;

‘staff’ means the staff of the Institute;

‘zoonotic diseases’ means those diseases that can be transmitted between animals and humans.

PART—II

ESTABLISHMENT AND FUNCTIONS OF THE INSTITUTE

3. (1) There is hereby established a Institute to be known as the Kenya Institute of Primate Research 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;
(c) borrowing and lending money;
(d) entering into contracts; and
(e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Order which may be lawfully done by a body corporate.

(2) The Institute shall be a successor to the Institute of Primate Research, a Directorate under the National Museums of Kenya and existing immediately before the commencement of this Order.

4. The Institute shall be the national centre undertaking biomedical and preclinical research in primates for development of health products and other services that meet local and international standards.

5. The functions of the Institute shall be to-
(a) conduct basic, pre-clinical and translational research using non-human primates and other experimental animals in liaison with the relevant government agencies;
(b) establish an incubation centre linking research and industry in the health products value chain;
(c) contribute to early warning systems for emerging and re-emerging diseases;
(d) establish and operate a national breeding colony of non-human primates and other experimental laboratory animals for research purposes;
(e) provide national in-vitro fertilization services for endangered wildlife of Kenya in liaison with relevant Government agencies;
(f) undertake studies in non-human primate conservation biology and primatology;
(g) create and maintain a national non-human primate database on census, research affiliations, and geo-spatial distribution of non-human and related zoonotic diseases;
(h) serve as a national research centre for venom and anti-venom including snake bite disease;
(i) undertake basic and pre-clinical research on reproductive health, infectious and non-communicable diseases using non-human primates;
(j) develop and characterize both non-human primate and other experimental animal models for priority diseases in Kenya;
(k) undertake research in Human African Trypanosomiasis disease;
(l) undertake capacity building in animal welfare, ethical use and care of non-human primates and other experimental animals in laboratory settings; and

(m) perform any other function which is incidental to the performance of any of the foregoing functions.

6. The Institute shall in the performance of its functions under this Act have power to-

(a) create, develop, apply for and hold intellectual property rights and enter into agreements or arrangements for their commercial exploitation or otherwise as the Board may consider appropriate;

(b) enter into partnerships and collaborations with other similar institutions or professional organizations, whether within or outside Kenya;

(c) charge fees for services rendered by it;

(d) breed and maintain colonies of non-human primates and other experimental laboratory animals for research purposes; and

(e) do any other thing which is necessary or convenient to be done in connection with or incidental to its functions.

PART—III
THE BOARD OF THE INSTITUTE

7. (1) There shall be a Board of Directors of the Institute, which shall have the responsibility of managing the Institute in accordance with this Order.

(2) The Board shall consist of—

(a) a chairperson appointed by the Cabinet Secretary;

(b) the Principal Secretary in the Ministry for the time being responsible for matters relating to science and technology;

(c) the Principal Secretary in the National Treasury;

(d) the Director-General of the National Museums of Kenya;

(e) five persons with knowledge and experience in research, two of whom should be having experience in biomedical research; and

(f) the Director-General of the Institute, who shall be an ex-officio member.

(3) A person shall be qualified for appointment as a chairperson of the Board if the person—

(a) in the case of the chairperson—

(i) holds a doctorate degree from a university recognized in Kenya;

(ii) is an eminent scientist in research; and has at least fifteen years' experience in leadership and management of public or private institutions; and
(b) in the case of any other member of the Board, holds at least a Masters degree from a university recognised in Kenya.

(4) The chairperson and members of the Board of the institute shall be required to be persons of integrity in accordance with Chapter Six of the Constitution and capable of contributing to science, technology and innovation.

(5) All appointments under this section shall be by notice in the Kenya Gazette.

(6) The members of the Board shall hold office, in the case of the chairman, for a period of four years, and in the case of any other member other than an ex-officio member, for a period of three years, and shall be eligible for reappointment for one further term.

8. The Board 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 Board 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, and 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 therefrom;

(d) enter into association with such other bodies or organizations within or outside Kenya as the Board 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) perform any other function that enhances or adds value to the proper performance of the functions of the Institute.

9. (1) There shall be a Director-General of the Institute who shall be appointed by the Board following competitive recruitment and on such terms and conditions as may be specified in the instrument of appointment.

(2) The Director-General shall be the chief executive officer of the Institute and responsible to the Board for the day-to-day management of the affairs of the Institute.

(3) A person shall be qualified to be appointed as Director General where such person—

(a) has a Doctorate degree in biomedical sciences or other related scientific, fields; and

(b) has at least ten years’ experience in the management of a public institution.
(4) The Director General shall hold office for a period of five years renewable for one further term.

10. (1) The Board may establish such committees as it may consider appropriate for the performance of its functions under this Order.

(2) The Board may from time to time co-opt into its membership any person whose knowledge and experience may assist it in the consideration of any particular matter for the time being before the Board.

11. The Board may, by resolution either generally or in any particular case, delegate to any committee of the Board 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.

12. (1) The office of the Chairperson or a member of the Board, other than an ex-officio member, shall become vacant-

(a) when the member resigns by notice in writing to the Cabinet Secretary, 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 Cabinet Secretary, or

(b) where the vacancy occurs pursuant to subsection (2).

(2) The office of the chairperson or a member of the Board shall become vacant if the chairperson or member—

(i) becomes insolvent or enters into a composition or scheme of arrangement for the benefit of his creditors;

(ii) is convicted of any offence and sentenced to imprisonment for a period of more than six months by a court of competent jurisdiction;

(iii) is incapacitated by reason of infirmity of body or mind;

(iv) is absent from three consecutive meetings of the Board without the leave of the Cabinet Secretary in case of the chairperson, or in case of a member, the Chairperson; or

(v) is otherwise unable or unfit to discharge the functions of his office.

(3) Where the office of the chairperson or a member of the Board becomes vacant under this paragraph, the Cabinet Secretary may appoint another person as a replacement of the person vacating office.

13. The Board shall meet not less than four times 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.

14. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board 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 and also in the Conflict of Interest Register maintained by the Institute.

15. (1) The common seal of the Institute shall be kept in such custody as the Board may direct and shall not be used except in the manner authorized by the Board.

(2) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Board—

(a) where they are required to be under seal, when the seal is authenticated by the signature of the chairperson, or any other member of the Board nominated in that behalf by a decision of the Board, and the Director-General:

Provided that the Board shall in the absence of either the Chairperson or the Director-General in any particular matter, nominate one member to authenticate the seal of the Board on behalf of either the Chairperson or the Director General;

(b) where they are not required to be under seal, if executed in that behalf by a member authorized by the Board for that purpose.

16. The members of the Board shall be paid such remuneration or allowances as the Board may, with the approval of the Salaries and Remuneration Commission, determine.

17. The Board may appoint such officers and staff as may be necessary for the proper discharge of the functions of the Institute under this Order upon such terms and conditions of service as the Board may determine.

18. Nothing done by a member of the Board or any officer, employee or agent of the Board shall, if it is done bona fide for executing the functions, powers or duties of the Board, render the member, officer, employee or agent or any person acting on the directions of the Board, personally liable for any action, claim or demand whatsoever.

PART IV—FINANCIAL PROVISIONS

19. (1) The funds of the Institute shall comprise of—

(a) such sums as may be appropriated by Parliament for the purposes of the Institute;

(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
20. The financial year of the Institute shall be the period of twelve months ending on the thirtieth day of June in every year.

21. (1) At least four months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Institute for that year.

(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, pensions, gratuities and other charges in respect of the Board and staff of the Institute;

(b) provision of funds for the functions of the Institute; and

(c) the proper maintenance of the Assets and grounds of the Institute.

(3) The annual estimates shall be approved by the Board at least two months before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval.

22. The Board shall cause to be kept proper books and records of accounts of all the income and expenditure, assets and liabilities of the Institute.

23. (1) The Board 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.

(2) The accounts of the Institute shall be audited in accordance with the Public Audit Act, 2015.

24. (1) The Board may from time to time invest any of the funds of the Institute in any securities in which trust funds are authorized by law subject to approval by the Cabinet Secretary in charge of The National Treasury.

(2) The Board may, subject to the approval of The National Treasury, place on deposit with such bank or banks as the Board may determine, any monies not immediately required for the purposes of the Institute.

25. The transitional provisions set out in the Schedule shall apply upon the commencement of this Order.
SCHEDULE

TRANSITIONAL PROVISIONS

1. Interpretation of terms

In this Schedule "former Institute" means the Institute of Primate Research, a Directorate under the National Museums of Kenya existing immediately before the commencement of this Order.

2. Transfer of functions

Upon the commencement of this Order, the functions that were immediately before such commencement undertaken by the former Institute shall be transferred to the Institute.

3. Transfer of rights, powers, etc.

All property and assets or a portion thereof, and all rights, powers, liabilities and duties, whether arising under any written law or as may otherwise be determined, which immediately before the commencement of this Order were vested in, imposed on or enforceable against the National Museums of Kenya in respect of the former Institute shall, upon the commencement of this Order, be transferred to, vested in, imposed on or be enforceable against the Institute.

4. Directions, orders issued before commencement

(1) Any lawful directions, orders, rules, authorizations and other things published, made, given or done by the former Institute relating to biomedical research programs, and subsisting at the commencement of this Order shall be deemed to have been published, given, made or done by the Institute.

(2) Any lawful directions, orders, rules, authorizations and other things published, made given or done by National Museums of Kenya relating to the facilities of the former Institute and subsisting at the commencement of this Order shall be deemed to have been published, given, made or done by the Institute.

5. Acts, etc. before commencement of this Order

Any lawful act or thing done or purported to be done or any act or thing omitted to be done on behalf of, or in the name of the former Institute relating to its facilities before the commencement of this Order by any person acting in good faith and with due or apparent authority in that behalf shall be deemed to be an act or thing made or done or omitted to be done, by the Institute.

6. Updating of records

Every public officer having the power or duty to effect or amend any entry in a register relating to property, or to issue or amend any certificate upon request made by or on behalf of the former Institute, shall do all such things as are by law necessary to give final effect to the transfer of property mentioned in any order made under this Schedule.

7. Staff

(1) Every person who immediately before the commencement of this Order, was an employee of the National Museums of Kenya attached to the former Institute shall, upon such commencement, be deemed to have been employed or appointed as a member of staff of the Institute for the unexpired period, if any, of the term:
Provided that employees may be given the option to join the Institute or remain in
the National Museums of Kenya, and this shall be subject to a declared vacancy in the
National Museums of Kenya establishment, or to terminate their services in accordance
with the contract of employment.

(2) The persons employed by the Public Service Commission and serving on
secondment at the former Institute immediately before the commencement of this Order
shall, upon such commencement be given an option to serve in the Institute, or to be
redeployed in the Public Service.

(3) Any person to whom paragraph (2) applies and who is employed as an officer
of the Institute shall be deemed to be in continuous service for purposes of the payment
of pension.

(4) Any officer who is engaged by the Institute under subparagraph (1) who was
on the date of the commencement of this Order a member of any statutory or voluntary
pension scheme or provident fund or entitled to gratuity, shall, for the purpose of this
Order, continue to be governed by the same regulations governing the respective scheme
or fund and his service with the Institute shall be deemed to be eligible service for the
purposes of the pension scheme, provident fund or payment of gratuity.

Dated the 10th October, 2017.

FRED MATIANG'I,
Cabinet Secretary for Education.