LEGAL NOTICE NO. 193
THE UNIVERSITIES ACT
(No. 42 of 2012)
MAMA NGINA UNIVERSITY COLLEGE ORDER, 2021

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THE UNIVERSITIES ACT
(No. 42 of 2012)

IN EXERCISE of the powers conferred by section 20(3) of the Universities Act, 2012, the Cabinet Secretary for Education, in consultation with the Commission for University Education, makes the following Order —

MAMA NGINA UNIVERSITY COLLEGE ORDER, 2021

PART I—PRELIMINARY

1. This Order may be cited as the Mama Ngina University College Order, 2021.

2. In this Order, unless the context requires otherwise—

“Act” means the Universities Act, 2012;

“academic Board” means the Academic Board of the University College established under paragraph 13;

“academic staff” means a member of staff who is a Professor, Associate Professor, Senior Lecturer, Lecturer, Assistant Lecturer and such other persons in the employment of the University College engaged in teaching or research therein as the Council, acting in accordance with the recommendation of College Academic Board, may from time to time grant the status of members of the University College;

“academic year” means a period of twelve calendar months ending on such date as may be designated from time to time by the academic Board, provided, however, that academic Board may designate different dates and different period of more or less than twelve months for different purposes;

“administrative staff” includes the Principal, the Deputy Principals, the Principals of Colleges, the Registrars, the Deans of Faculties, the Directors of Schools, Centres and Institutes, the Heads of Departments, the Finance Officer and such other members of staff, not being engaged in teaching or research as the Council may from time to time determine;

“affiliated institution” means an institution which has an academic linkage with the University College for the purpose of granting of degrees and award of diplomas and certificate in accordance with the Statutes;

“Alumni” means the Alumni of the University College referred to in paragraph 22;

“Alumni Association” means the organization of all graduates and former students of the University College established under paragraph 15;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for University Education;
“Campus” means a centre for education, learning or research which is so designated by the Council;

“Chairperson of the Council” means the Chairperson of the Council of the University College as specified in paragraph 14;

“Chancellor” means the Chancellor of the Kenyatta University as defined in paragraph 13;

“College” means a College of the University College established pursuant to paragraph 7;

“Commission” means the Commission for University Education established under the Act;

“Convocation” means the convocation of the University College established under paragraph 24;

“Council” means the Council of the University College established under paragraph 19;

“Deputy Principal” means the Deputy Principal appointed by the Council of the University College under paragraph 16;

“Director” means the person appointed by the Council to be designated as a director in the University College;

“fiscal year” means the financial year of the University College as provided for in paragraph 28;

“graduate” means a person upon whom a degree of the Kenyatta University has been conferred or to whom a qualification of the University College has been awarded as determined by the College Academic Board and Kenyatta University Senate;

“Head of Department” means the person appointed by the Principal on behalf of the Council to be the head of a teaching department of the University College;

“Institute” means an institute of the University College established by the Statutes;

“lecturer” means a member of the staff of the University College who is, in terms of appointment, a professor, an associate professor, senior lecturer, lecturer, assistant lecturer, teaching assistant, or a person who holds any other teaching or research post which the Council has recognized as a post having academic status in the University College;

“Management Board” means the University College Management Board established under paragraph 16;

“Principal” means the principal of the University College appointed under paragraph 8;

“Professor” means a professor of the University College;

“School” means a school of the University College established under the Statutes;
“Senate” means the Senate of Kenyatta University;

“Statutes” means the Statutes of the University College made by the Council under paragraph 24;

“student” means a person registered by the University College for the purposes of obtaining a qualification of the University College or any other person who is determined by the Academic Board to be a student;

“students Association” means an association of the students recognized by the Council as being an organization representative of the students of the University College and as provided for in the Act, this Order and the Statutes;

“support staff” means a member of staff of the University College who is appointed for purposes of providing support services for the general management and administration of the University College;

“technical staff” means a member of staff of the University College who is appointed to conduct general clerical, laboratory and field courses, and assist in the conduct of lectures, examinations and research of the University College;

“University” means Kenyatta University;

“University College” means Mama Ngina University College established under paragraph 3;

“Principal” means the Principal of the University College appointed under paragraph 15.

PART II—ESTABLISHMENT, POWERS AND FUNCTIONS OF THE UNIVERSITY COLLEGE

3. (1) There is established a University College to be known as Mama Ngina University College, which shall be a constituent college of the Kenyatta University.

(2) The University College shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

(b) suing and being sued;

(c) taking, purchasing or otherwise acquiring, holding as well as transferring, selling, leasing, charging or in any other way disposing of absolute or partial rights and interests in any movable and immovable property;

(d) borrowing or lending money, receiving grants, gifts and donations for purpose of furthering education;

(e) entering into contract with other institutions, organizations, bodies corporate or individual persons; and

(f) doing or performing any such other things or Acts, including entering into such contracts as may be necessary or
expedient, for the furtherance of the provision of this Order which may be done by a corporate body.

4. (1) The functions of the University College shall be—

(a) providing directly, or in collaboration with other institutions of higher learning, facilities for technological, professional, and scientific education;

(b) advancing knowledge and its practical application by research and other means;

(c) disseminating the outcomes of research by various means, and commercially exploit the results of such research;

(d) participating in technological innovation as well as in the discovery, transmission and enhancement of knowledge and to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development;

(e) contributing to industrial and technological development of society in collaboration with industry and other organizations;

(f) determining who may teach, who may be taught, how it may be taught, when it may be taught and examined;

(g) making proposals for new programmes of study including those that culminate with degrees, diplomas and certificates;

(h) making proposals for the establishment of Colleges, schools, centres, campuses, institutes, departments, and other resource and administrative units as may be appropriate;

(i) inculcating a culture of innovation and creativity amongst staff, students and society;

(j) developing an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products.

(k) providing a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;

(l) facilitating student mobility between programmes of study at different training institutions;

(m) promoting critical inquiry and creativity in education, training and research;

(n) participating in commercial ventures and activities that promote the objectives of the University College;

(o) fostering the general welfare of staff and students;

(p) providing opportunities for development and further training for staff of the institution;
(q) developing and providing educational, cultural and professional services to the community and in particular the fostering of corporate social responsibility;

(r) providing programmes, products, and services in ways that reflect the principles of equity and social justice;

(s) conducting examinations for, and grant such, academic awards as may be provided for in the Statutes, and syndicating examinations for awards at other institutions as may be approved by the College Academic Board;

(t) generally facilitating the development and provision of appropriate and accessible academic and other programmes.

(2) Admission to the University College as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the College Academic Board in accordance with this Order without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, marital status, religion, physical ability, gender or age;

(3) No barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer, graduate or student of the University College, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction.

5. (1) The degrees and postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas of the Kenyatta University.

(2) Notwithstanding subparagraph (1), the University College shall have powers to grant diplomas, certificates, or other academic qualifications which may, for the time being, be authorized by the Statutes of the University College.

(3) Subject to this Order, Kenyatta University in consultation with the University College Council and on the recommendation of College Academic Board may cancel or withdraw such certificates, diplomas, degrees, including honorary degrees, or any other awards as may be provided for in the Statutes.

6. Subject to this Order, the University College may award scholarships, bursaries and prizes and make other awards which may be provided for by the Statutes.

PART III—MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY COLLEGE

7. (1) The members of the University College shall be—

(a) the Chancellor of Kenyatta University;

(b) the Vice-Chancellor of Kenyatta University;

(c) the Council;

(d) the Principal;

(e) the Deputy Principals;

Conferment of degrees and award of Certificates and Diplomas.

Award of scholarship, Bursaries and other Awards.

Membership of the University College.
(f) the members of the Academic Board;
(g) the members of the College Management Board;
(h) the Principal of Colleges within the University College;
(i) the Registrars;
(j) the professors of the University College;
(k) the lecturers of the University College;
(l) the Finance Officer;
(m) the University College Librarian;
(n) the Chief Legal officer;
(o) the Chief Medical Officer;
(p) the Academic Staff;
(q) the Information and Communications Technology Director;
(r) the Dean of students;
(s) the administrative and support staff;
(t) the Students;
(u) the Alumni; and
(v) such other members of the University College as the Council may determine from time to time;

(2) The members of the University College shall enjoy such rights and privileges as may be outlined in the Statutes and tools of engagement.

8. (1) The Chancellor of Kenyatta University shall be the Chancellor of the University College.

(2) The functions of the Chancellor and the tenure of the office shall be in accordance to the provisions of the Act, Kenyatta University Charter and this Order.

(3) The Chancellor shall enjoy such powers and privileges and perform such other functions as may be provided in the Act, Kenyatta University Charter, this Order and the College Statutes.

9. (1) There shall be a University College Council which shall be appointed in accordance with the provisions of the Act.

(2) The Principal shall be the secretary to the Council and an ex-officio member.

(3) Subject to this paragraph, a member of the Council, other than an ex-officio member, shall hold office for a period of three years, and shall be eligible for re-appointment for one further term.

(4) The office of a member of the Council shall become vacant if the member—

(a) not being an ex-officio member, resigns from office by notice in writing addressed to the Principal;

(b) is unable to exercise the functions of his office for reasons of physical or mental infirmity;
(c) is adjudged bankrupt by a court of competent jurisdiction or enters into a composition or scheme of arrangement for the benefit of creditors;

(d) is adjudged or declared by any competent court or tribunal to be of unsound mind;

(e) is convicted of an offence and is sentenced to imprisonment for a period of six months or more;

(f) is guilty of gross misconduct;

(g) dies.

(5) Where the office of a member of the Council becomes vacant, the Principal shall forthwith notify the vacancy to the appropriate appointing authority.

(6) The procedure, conduct and regulation of the affairs of the Council shall be as provided for in the Act.

(7) The Council shall exercise prudent leadership, innovative enterprise, and good judgment in directing the University College and shall always act in the best interest of the University College and subject to this Order, the Council shall be the governing body of the University College through which the University College shall—

(a) subject to the provisions of the Act and after consultation with the academic Board, make regulations;

(b) make and approve Statutes for gazettement in accordance with the Act;

(c) determine the method of recruitment, appointment and promotion of all staff of the University College;

(d) appoint and determine the terms and conditions of service for all staff of the University College;

(e) confer after receiving a report from the College Academic Board, the title of Emeritus Professor, Visiting Professors, Honorary Professor, Honorary Lecturer or Honorary Fellow;

(f) approve the budget;

(g) promote and to make financial provisions and facilities for execution of the functions of the University College;

(h) determine, after considering the recommendations of the academic Board, all fees payable to the University College;

(i) approve the investment of any money belonging to the University College including any unutilized income, in such stocks, funds, fully paid shares or securities as Council may from time to time deem fit, in accordance with the general law for the investment of trust moneys or in the purchase of freehold or leasehold properties, including rents and subject to the Act with the powers of varying such investment from time to time by sale or re-investment or otherwise;
(j) subject to the laid down government procedures to approve sale, purchase, exchange, lease, or take on, lease movable and immovables property on behalf of the University College;

(k) subject to the laid down government procedures, to approve the borrowing of money on behalf of the University College; and for that purpose and subject to the Act, to mortgage or charge all or any part of the property unless the conditions of the property so held provide otherwise, and to give such other security whether upon movable and immovables property or otherwise as the Council may deem fit;

(l) on the recommendation of the academic Board to provide in accordance with the Statutes, for the creation of new divisions, faculties, schools, institutes, departments, centers or other bodies of learning, research and production in the University College, whether formed by the sub-division of any one or more than one of any such new body or otherwise, and for the abolition from time to time of any such body, and to approve the establishment, abolition or subdivision of any such body however so described;

(m) institute on the recommendation of the academic Board fellowships, scholarships, studentships, exhibitions, bursaries, prizes and other aids to study and research;

(n) approve the terms and conditions upon which internal and external examiners shall be appointed by the academic Board;

(o) authorise committees to act jointly with any Committees appointed by the academic Board, provided that the Council shall not delegate to the Chairman or to a Committee the powers to approve without further reference to the Council the annual estimates of expenditure;

(p) approve regulations governing the conduct and discipline of the students of the University College;

(q) receive, on behalf of the University College, donations, endowments, gifts, grants or other moneys and make legitimate disbursements wherefrom;

(r) approve the constitution of the Students Organization and so far as is reasonably practicable, to ensure that the Students’ Organization operates in a fair and democratic manner and is accountable for its finances;

(s) provide for the welfare of the staff and students of the University College;

(t) approve regulations governing the recruitment, conduct and discipline of the staff of the University College;

(u) monitor and evaluate the implementation of strategies, policies, and the management criteria and plans of the University College;
(v) constantly review the viability and financial sustainability of the University College, and shall do so once every year;

(w) ensure that the University College complies with the Constitution, other relevant laws, regulations, governance practices, accounting and auditing standards;

(x) perform such other duties as may be contained in the Statutes and may have such other powers as contained in the Act.

(8) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council, may be signed by the Chairperson, the Principal or any other member of the Council generally or specifically authorized by the Council in that behalf.

10. (1) There shall be a Principal of the University College who shall be appointed in accordance with the provisions of the Act.

(2) The Principal shall be the Chief Executive of the University College and shall—

(a) be the academic and administrative head of the University College;

(b) have overall responsibility for the direction, organization, administration and programmes of the University College; and

(c) have such responsibilities and duties as may be provided for in this Order and the Statutes.

(3) The Principal shall hold office for a term of five years and shall be eligible for reappointment for one further term of five years.

(4) Notwithstanding sub-paragraph (1), the Cabinet Secretary may at the coming into operation of this Order appoint the first Principal of the University College in an acting capacity for a period of six months on the recommendations of the Kenyatta University Council, after which the appointment process shall be conducted in accordance with the Act.

11. (1) There shall be a Deputy Principal of the University College, who shall be appointed in accordance with the provisions of the Act.

(2) The Deputy Principals shall perform the functions of office under the general direction of the Principal and exercise such powers and perform such duties as may be provided for by the Statutes.

(3) A Deputy Principal shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

12. (1) The Council shall, after a competitive process, appoint for each Faculty, School, Centre, or Department a Dean, Director, or Chairperson, who shall be the academic and administrative head of the School, Institute, or Centre, and shall under the general direction of the Principal, have such powers and duties as may be provided for by the Statutes.
(2) A person appointed as Dean or Director shall hold office upon such terms and for such period as may be provided for by the Statutes and shall be eligible for re-appointment for one further term.

13. (1) There shall be an academic Board of the University College as provided for in the Statutes whose membership shall be—

(a) the Principal, who shall be the Chairperson;
(b) the Deputy Principals;
(c) the Deans of Schools, Directors of Institutes, Centres and other academic units;
(d) the Registrars;
(e) the heads of teaching Departments;
(f) the Professors of the University College;
(g) the University College Librarian;
(h) one representative of each of the School Boards appointed by the respective boards from amongst its members;
(i) the Dean of Students;
(j) the Director of Information, Communication and Technology services of the University College;
(k) two members elected by the students' organization in the manner provided in the statutes, who shall however not be entitled to attend deliberations of the academic Board on matters which are considered by the Chairperson of the academic Board to be confidential or which relate to examinations, the general discipline of students, and other related matters;
(l) such other member as the Council may determine in accordance with the Statutes.

(2) The Deputy Principal (Academic and Students Affairs) shall be the secretary to the academic Board.

(3) The academic Board shall have the following powers and duties—

(a) recommending to the Council the establishment, or abolition or harmonization of Faculties, Schools, Institutes, Units, Departments, and Centres as the College Academic Board may from time to time deem necessary;
(b) subject to the Act, and in consultation with the Senate, making recommendations to the Council for the establishment, abolition or supervision of degree and other academic programmes and their titles in the University College;
(c) in consultation with the Senate, setting the dates of the academic year and determining the schedule of academic programmes within the academic year;

(d) in consultation with the Senate, approving all syllabi of the University College;

(e) in consultation with the Senate, making regulations governing methods of assessing and examining the academic performance of students;

(f) proposing regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;

(g) regulating the conduct of examinations;

(h) in consultation with the Senate, appointing internal and external examiners and recommending to the Council the terms and conditions for their appointment;

(i) in consultation with the Senate, approving the examination results;

(j) subject to the Act and in consultation with the Senate, approving the award of degrees including the award of honorary degrees and other academic distinctions;

(k) in consultation with the Senate, determining the procedure to be followed in the conferment of the degrees and other awards;

(l) evaluating research, teaching, staffing and general work of anybody or section of the University College and if it so wishes reporting and making recommendations thereon to the Council;

(m) promoting and administering the extra-mural, external and extension work of the University College;

(n) promoting research and innovation work in the University College;

(o) promoting co-operation and linkages with other institutions of higher learning and industry;

(p) in consultation with the Senate, making regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;

(q) developing, implementing and promoting quality assurance systems and structures in all University College operations;

(r) promoting the welfare of students and staff in the University College;

(s) proposing regulations and procedures for the discipline of students and making recommendations thereof to the Council;
(t) in consultation with the Senate, discontinuing a student from a programme of study on academic grounds;

(u) receiving proposals from various Boards and Faculties, Institutes, Schools, Centers and considering their recommendations and making appropriate decision;

(v) recommending to the Council appropriate criteria for appointment and promotion of academic staff of the University;

(w) reviewing the Statutes from time to time and presenting recommendations thereon to the Council provided that all Statutes shall be reviewed at least once every five years;

(x) determining general policy matters relating to the library, laboratory facilities, teaching aids, workshops and such other academic services which are in its view necessary for the furtherance of the academic objectives of the University College.

(4) The academic Board shall exercise such other powers as may be conferred by the Act, the Statutes or by the regulations and to do such other acts as the Council shall authorize.

(5) Notwithstanding the provisions of this Order, the Council shall not initiate any action in respect of academic matters except upon receipt of a report or proposal, and the Council shall not reject any such report, or reject or amend any regulations as proposed without further reference to the academic Board.

14.(1) There shall be a Students’ Association established in accordance with the Act.

(2) The Students’ Association shall comprise all the students of the University.

(3) The Students’ Association shall elect a Student Council which shall have the following functions—

(a) overseeing and planning, in consultation with the Senate and the University Management Board, the activities of the students for the promotion of academic, spiritual, moral, harmonious communal life and social well-being;

(b) drawing the attention of the appropriate authorities, where necessary, to the special needs of the students;

(c) undertaking such other functions as may be provided in its governance instruments approved by the Senate; and

(d) undertaking such other functions as provided in its governance instrument as approved by the University Council.
15. (1) There shall be Alumni Association of the University College, which shall consist of graduates of the University College and such other persons as may be prescribed by the Statutes.

(2) The Alumni Association shall have the right to meet and discuss any matter relating to the University College and transmit resolutions thereon to the Council and the academic Board, and may exercise such other functions as the Statutes may prescribe.

(3) The Alumni association may exercise such other functions as may be prescribed in the Regulations and Statutes.


PART IV—MANAGEMENT OF THE UNIVERSITY COLLEGE

16. (1) There shall be a University College Management Board which shall perform such functions as provided for in this Order and the Statutes.

(2) The Management Board shall consist of—
(a) the Principal, who shall be the Chairperson;
(b) the Deputy Principals;
(c) the Registrars;
(d) the Finance Officer;
(e) the Chief legal officer; and
(f) such other member of the senior management as the Council may determine.

(3) The Deputy Principal for the time being in charge of finance and administration, shall be the secretary;

(4) The Chairperson of the Management Board may invite other officers of the University College to attend management board meetings when specific matters pertaining to their departments or offices are being discussed and such officers shall be in attendance but shall not be eligible to vote.

(5) The Management Board shall assist the Principal in the day-to-day management of the University College and shall—
(a) encourage the rationalization and efficiency of the University College services;
(b) co-ordinate and control the development, planning, management and administration of the University College and its resources in accordance with approved policies, rules and regulations;
(c) submit proposals to the University College Council concerning annual budgets, development priorities, staff development plans, terms and conditions of service, fund raising strategies, student welfare, public relations policies,
academic partnerships and linkages with other universities, collaborations with industry, as well as any policies and any matters related to the development, management and administration of the University College;

(d) authorize the initiation of legal proceedings or defend or compromise legal proceedings in the name of and on behalf of the University College;

(e) propose to the University College Council rules and regulations for the administration of the University College and for the execution of its programmes and plans;

(f) propose establishment of University College charges and fees; and

(g) perform any other duties assigned to the University College Board.

17. (1) The senior management staff of the University College shall consist of, the Principal, the Deputy Principals, the Principals of Colleges of the University College, and such other members of staff as the Council may from time to time determine.

(2) The teaching staff of the University College shall consist of, the Principal, the Deputy Principals, the Principals of Colleges of the University College, the Librarian and all members of staff who are engaged in teaching and research.

(3) The Administrative Staff of the University College shall consist of the Registrars, the Directors, Finance Officer and such other members of staff not being engaged in teaching or research, as the Council may, from time to time determine.

(4) The Technical Staff of the University College shall consist of those staff engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may from time to time determine.

(5) The support staff of the University College shall consist of those staff engaged in general duties and as the Council may from time to time determine.

(6) All members of staff of the University College shall, subject to this Order, be appointed either—

(a) in the manner and upon the terms and conditions of service prescribed by the Order and the Statutes; or

(b) in the case of a person seconded to the service of the University College from the service of another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

(7) The Council may, subject to such restrictions as it may impose, delegate, either generally or specially, to any person,
committee, or body, the power to appoint any member of the staff of the University College.

(8) All members of staff of the University College shall—

(a) be subject to the general authority of the Council and of the Principal; and

(b) be deemed to be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

18. (1) In the event of the incapacity of the Principal, the Council shall appoint one of the Deputy Principals to carry out the functions of the Principal during the period of incapacity for a maximum period of one hundred and eighty calendar days.

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, the Council may appoint one of the Principals of the Colleges of the University College to perform the functions of the Principal during the incapacity for a maximum period of one hundred and eighty calendar days.

(3) In the event of the simultaneous incapacity of the Principal, the Deputy Principals, the Principals of Colleges of the University College, the Council may appoint a member of the academic staff at the level of professor to perform the functions of the Principal during the incapacity for a maximum period of one hundred and eighty calendar days.

(4) In the event of the incapacity of any member of staff of the University College, the Principal may appoint a suitable person to perform the functions of the said officer during the incapacity for a maximum period of one hundred and eighty calendar days.

(5) In this paragraph, “incapacity” means absence from Kenya or inability for any other reason to perform the functions of the office concerned or as may be provided for in the Statutes and whereupon at expiry of the above prescribed period, the position shall fall vacant and the process of filling up the position as provided for in the Act, Statutes, or regulations shall commence.

PART V--FINANCIAL PROVISIONS

19. The financial year of the University College shall be the period of twelve months commencing on the 1st July and ending on 30th June in the following year.

20. The Council may invest any of the funds of the University College in accordance with the provisions of the Act and the applicable legal provisions.

21. (1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University College for that year.
(2) The annual estimates shall make provisions for all the estimated expenditure of the University College for the financial year concerned, and in particular shall provide—

(a) for the payment of the salaries, allowances and other charges in respect of the staff of the University College;

(b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University College;

(c) for the proper maintenance of the buildings and grounds of the University College;

(d) for the proper maintenance, repair and replacement of equipment and other movable property of the University College;

(e) for the funding of the cost of teaching, research and outreach activities of the University College;

(f) for development purposes; and

(g) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits insurance or replacement of buildings or equipment and in respect of such other matters as the Council may think fit.

(3) In drawing its annual estimates and development plans, the University College shall consult with the Government agency responsible for the making of university grants.

(4) Annual estimates shall be approved by the Council before the commencement of financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and after the Cabinet Secretary have given his approval, the Council shall not increase any sum provided in the estimates without the consent of the Cabinet Secretary.

(5) No expenditure shall be incurred for the purpose of the University College except in accordance with the annual estimates approved under sub-paragraph (4) or in pursuance of an authorization of the Council given with prior approval of the Cabinet Secretary.

22. (1) The Council shall cause to be kept all audit proper books of accounts of the income, expenditure and assets of the University College.

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Controller and Auditor-General, the accounts of the University College together with—

(a) a statement of income and expenditure during that year; and

(b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Controller and Auditor-General in accordance with the provisions of the Public Audit Act, 2015.
PART VI—MISCELLANEOUS PROVISIONS

23. (1) The Common Seal of the University College shall be kept in such custody and used only as the Council shall direct.

(2) The Common Seal of the University College shall be authenticated by the signatures of the Principal together with any other person duly authorized by the Council.

(3) The Common Seal of the University College when affixed to any document and duly authenticated shall be judicially and officially noticed, unless and until the contrary is proved, any order or authorization of the Council under this paragraph shall be presumed to have been duly given.

24. (1) In the performance of its functions under this Order, the Council shall, subject to this Order, make Statutes generally for the governance, control and administration of the University College and for the better carrying into effect of the purposes of this Order, and in particular for the—

(a) establishment of faculties, schools, and institutes of the University College;

(b) description of degrees, diplomas, certificates and other academic qualifications;

(c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;

(d) conduct of examinations;

(e) prescribing fees and other charges;

(f) prescribing the rules and regulations for the conduct and organization of student affairs;

(g) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of staff of the University College;

(h) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and

(i) providing for or prescribing anything, which, under this Order may be provided for or prescribed by the Statutes.

(2) Notwithstanding subparagraph (a), the Council shall not make, amend or revoke any Statutes relating to the functions and privileges of the Principal or the College Academic Board without first ascertaining the opinion of the College Academic Board.

(3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths of the members present and voting, being not less than half of the total membership of the Council.
(4) Statutes made by the Council under the Act shall be published in the *Kenya Gazette* as provided for under section 23 of the Act.

25. (1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words "University College", or "Mama Ngina" together in any order, unless the application for the registration is accompanied by a written consent of the Council.

(2) Any person who, except with the written consent of the Council, uses the word "University College", or "Mama Ngina" together in any order and in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to conviction to a fine not exceeding three million shillings, or to imprisonment for a term not exceeding three years, or to both.

(3) Notwithstanding the foregoing, nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

Dated 7th September, 2021.

GEORGE A. O. MAGOHA,
*Cabinet Secretary for Education.*