



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT
ACTS, 1996

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**THE KENYA INSTITUTE OF ADMINISTRATION
ACT, 1996**

No. 2 of 1996

Date of Assent: 5th June, 1996

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ARRANGEMENT OF SECTIONS

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No. 2

Kenya Institute of Administration

1996

An Act of Parliament to establish the Kenya Institute of Administration and to provide for connected purposes

ENACTED by the Parliament of Kenya as follows:—

Short title and commencement.

1. This Act may be cited as the Kenya Institute of Administration Act, 1996 and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

Interpretation.

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

“Council” means the Council established by section 5;

“Chairman” means the chairman of the Council appointed under section 5 (1) (a);

“Director” means the Director appointed under section 9;

“former Institute” means the Institute known as the Kenya Institute of Administration in existence immediately before the commencement of this Act;

“Minister” means the Minister for the time being responsible for matters relating to the Directorate of Personnel Management;

“state corporation” has the meaning assigned to it in section 2 of the State Corporations Act.

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Establishment of the Institute.

3. (1) There is hereby established a body corporate to be known as the Kenya Institute of Administration.

(2) The Institute shall have perpetual succession and a common seal, with power to acquire, own, possess and dispose of property, to borrow or lend money or to enter into contract and to sue and be sued in its corporate name.

Functions of the Institute.

4. The functions of the Institute shall be—

(a) to provide training, consultancy and research services on commercial basis which are designed to promote national development and standards of competence and integrity in the public service, state corporations and local governments;

(b) to provide training, consultancy and research services on commercial basis to persons, local or foreigners, in the private sector;

(c) to provide training to promote a culture of decency, honesty, hardwork, transparency and accountability among the public servants;

- (d) to conduct examinations and award diplomas and other forms of suitable awards to the successful candidates; and
- (e) to do all such other things as appear to be necessary, desirable or expedient for the proper discharge of its functions under this Act.

5. (1) The governing body of the Institute shall be the Council which shall consist of—

Establishment
of the Council.

- (a) a non-executive Chairman appointed by the President who shall be a person with considerable experience in the executive management of a corporate body;
- (b) the Director of the Institute;
- (c) the Permanent Secretary for the time being in charge of the Directorate of Personnel Management;
- (d) the Permanent Secretary to the Treasury;
- (e) the Permanent Secretary for the time being in charge of the Provincial Administration;
- (f) a member of the Public Service Commission to be appointed by the Public Service Commission; and
- (g) not less than six and not more than ten persons who do not hold office in the Public Service or who are not members of the National Assembly, drawn from the professional bodies and organizations.

(2) The members of the Council, other than the Chairman, shall be appointed by the Minister.

(3) Every appointment to the Council under section 5 (1) (g) shall be by name and by notice in the Gazette and shall be for a renewable period of not more than five years:

Provided that no member appointed under this section shall hold office for a period exceeding ten years in the aggregate.

(4) An appointment of a member to the Council shall cease if he—

- (a) serves the Minister with written notice of his resignation; or
- (b) is absent, without the written permission of the Minister notified to the Council, from three consecutive meetings of the Council; or
- (c) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding two thousand shillings; or

(d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Council. or

(e) conducts himself in a manner deemed by the Minister to be inconsistent with membership of the Council.

(5) A member of the Council, other than an *ex officio* member, shall attend meetings of the Council in person and no person shall be appointed as an alternate for a substantive member who is unable to attend such meetings.

Functions of the Council.

6. (1) The functions of the Council shall be—

(a) to formulate, with the approval of the Minister, policies pertaining to the organization and management of the Institute;

(b) to administer the property and funds of the Institute in such a manner and for such purpose as will, in the opinion of the Council, promote the functions of the Institute;

(c) to approve and submit through the Minister financial estimates in respect of the Institute for consideration by the Treasury;

(d) to administer the approved estimates of the Institute;

(e) to receive, on behalf of the Institute, grants-in-aid, gifts, donations, fees, subscriptions or other monies;

(f) to exercise the power of the Institute to borrow money;

(g) to appoint suitable staff for the Institute upon such terms and conditions as the Council may determine; and

(h) to perform such other functions as are incidental to the foregoing.

(2) The powers conferred upon the Institute under subsection (1) (f) shall be exercised only with the prior written consent of the Minister and the Treasury, and the Institute shall not be required to obtain any further consent under section 5 (2) of the State Corporations Act.

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Meetings of the Council.

7. (1) The Chairman shall preside at all meetings of the Council but in the absence of the Chairman the members shall appoint one of the members appointed under section 5 (1) (g) to preside at the meeting.

(2) The quorum for the conduct of business at a meeting of the Council shall be seven of whom the majority shall be members appointed under section 5 (1) (g).

(3) Except as provided in this section, the Council shall comply with the requirements of the State Corporations Act governing the meetings and proceedings of boards of state corporations.

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8. (1) Subject to this section, the common seal of the Institute shall be kept in such custody as the Council may direct and shall not be used except in the manner authorized by the Council.

Common seal
and execution of
documents.

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

(a) where they are required to be under seal, if sealed with the common seal of the Institute and authenticated by the Chairman and the Director; or

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

(3) A deed, instrument, contract or other documents executed in accordance with subsection (2) shall be effective in law to bind the Institute and its successors and may be varied or discharged in the same manner as that in which it was executed.

9. (1) There shall be a Director of the Institute who shall be a person with experience in executive management and training, appointed by the Minister.

Director of the
Institute.

(2) The Director shall be the chief executive of the Institute and shall—

(a) subject to the directions of the Council on matters of policy, be responsible to the Council for the administration and management of the Institute;

(b) be responsible for the supervision and discipline of the staff of the Institute; and

(c) after consultation with the Chairman of the Council, engage temporary employees at such daily rates of pay, not below the minimum rates prescribed by any written law, as he may consider appropriate, and shall report such employment to the Council at its next meeting.

(3) The Director shall act as secretary to the Council and any committee which the Council may establish, and shall on the advice of the Chairman of the Council or any such committee convene any meeting of the Council or the committee, and in carrying out any functions under this subsection, the Director—

- (a) may attend meetings of the Council, or of any committee; and
- (b) may attend any of the meetings referred to in paragraph (a) together with such other officers of the Institute as he deems fit.

Staff of the
Institute.

10. The Council may employ such staff as it deems necessary for the efficient discharge of the functions of the Institute and upon such terms and conditions as the Council may determine.

Funds and
assets of the
Institute.

11. The funds and assets of the Institute shall consist of—

- (a) such sums as the Minister may, with the consent of the Treasury, make available for the purposes of this Act out of monies provided by Parliament;
- (b) any sums or property which may in any manner become payable to, or vest in, the Institute in respect of tuition fees or any other matter incidental to the carrying out of its functions; and
- (c) any sums or property which may be donated to, or borrowed by, the Institute:

Provided that the Council shall not be obliged to accept a donation for any particular purpose unless it approves of the terms and conditions attached to that donation.

Strategic plans,
budget and
annual report.

12. (1) The Council shall, as soon as practicable after the commencement of this Act and at intervals of not more than three years, prepare a five year strategic plan pertaining to the Institute which shall be submitted to the Minister for approval.

(2) The Council shall prepare and shall, not later than the end of February in every year, submit to the Minister for approval a three year budget incorporating estimates of the Institute's revenue and expenditure for the next three financial years.

(3) A plan or budget submitted to the Minister under subsection (1) or (2) shall, unless earlier disapproved by the Minister, be approved by him with or without such modifications as he deems necessary not later than three months after it has been submitted.

(4) The Council shall, within a period of three months after the end of each financial year or within such longer period as the Minister may approve, submit to the Minister a report on the operations and activities of the Institute during that year together with the balance sheet and accounts of the Institute audited in accordance with provisions of Part VII of the Exchequer and Audit Act.

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(5) The Minister shall lay the report of the Council together with the audited balance sheet and accounts before the National Assembly within one month of the date of the receipt of the report by him.

(6) The financial year of the Institute shall be the period of twelve months commencing on 1st July and ending on the 30th June, in the next succeeding year.

13. No act or thing done by any member of the Council or any officer or employee of the Institute shall, if the act or thing was done *bona fide* for the purpose of carrying out the provisions of this Act, subject him personally to any liability, action, claim or demand whatsoever.

Protection of Council, members and staff of the Institute.

14. No duty shall be chargeable under the Stamp Duty Act in respect of any instrument executed by or on behalf of or in favour of the Institute which, but for this section, the Institute would be liable to pay.

Exemption from stamp duty.
Cap. 480.

15. The Minister may make regulations for the better carrying out of the purposes of this Act, and in particular with respect to the following matters—

Regulations

- (a) staff appointment and discipline;
- (b) staff welfare including pensions scheme, gratuities, superannuation or provident fund; and
- (c) general management of the Institute.

16. (1) All the funds, assets and other property, movable and immovable, which immediately before the coming into

Transitional provisions.

operation of this Act, were held by the Government for the former Institute shall, by virtue of this subsection and without further assurance, vest in the Institute.

(2) On the coming into operation of this Act, the Bookshop Fund established under the Kenya Institute of Administration Bookshop Fund and all existing stocks of books purchased by the Fund shall vest in the Institute and shall thereafter be administered by the Director on behalf of the Institute.

(3) 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 or other documents affecting or evidencing title to property, shall, without payment of fee or other charge and upon request by or on behalf of the Institute, do all such things as are by law necessary to give final effect to the transfer of any property mentioned in subsection (1) to the Institute.

(4) All rights, powers, liabilities and duties, whether arising under any written law or otherwise, which immediately before the coming into operation of this Act were vested in, imposed on or enforceable by or against the Government in respect of the former Institute shall by virtue of this subsection, be transferred to, vested in, imposed on, or be enforceable by or against, the Institute.

(5) On and after the coming into operation of this Act, all actions, suits or legal proceedings by or against the Government pending in respect of the former Institute shall be carried on or prosecuted by or against the Institute and no such suit, action or legal proceedings shall abate or be affected by the coming into operation of this Act.

(6) The annual estimates approved for the former Institute in respect of the financial year in which this Act comes into operation shall be deemed to be the annual estimates of the Institute for the remainder of the financial year but those estimates may be varied by the Council in such manner as the Treasury may approve.

(7) Any person who is an officer or employee of the former Institute immediately before coming into operation of this Act shall not be deemed to be an officer or the employee

of the Institute but shall continue to be such officer or employee in the Public Service and shall be deemed to be on secondment to the Institute until—

- (a) he has entered into a written contract of service with the Institute whereupon his service with the Government shall be deemed to have terminated without right to severance of pay but without prejudice to all other remunerations and benefits payable upon the termination; or
- (b) he has been redeployed by the Government; or
- (c) his employment has been terminated by the Government; or
- (d) his secondment to the Institute has been terminated in writing by the seconding authority or the Institute.