

NO. 14 OF 2013

BASIC EDUCATION ACT

SUBSIDIARY LEGISLATION

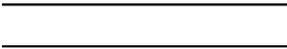
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**EDUCATION (BOARD OF GOVERNORS)
(HOSPITAL HILL SCHOOL) ORDER, 1954**

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

[G.N. 1233/1954, L.N. 112/1962, L.N. 431/1962, L.N. 180/1965.]

PART I – PRELIMINARY

1. Citation

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

2. Interpretation

In this Order—

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

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

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

PART II – THE BOARD OF GOVERNORS

3. Board of Governors

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

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

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

4. Tenure of office of governors

Subject to the provisions of this Order regarding vacancies, the governors shall each hold office for a term of three years.

5. Acceptance of office

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

6. Interest in contracts, etc.

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

7. Governor not personally liable

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

8. Vacancies on Board

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

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

(b) Any competent governor may be reappointed.

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

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

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

9. Meetings and procedure

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

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

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

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

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

(6) Any meeting may be adjourned by resolution.

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

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

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

PART III – MANAGEMENT OF THE SCHOOL AND FUNCTIONS OF THE BOARD

10. Management of schools

The school shall be managed by the Board—

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

11. Principal and staff

Subject to the provisions of the Act—

- (a) the Board shall, in consultation with the Chief Education Officer, appoint a suitable and duly qualified principal of the school, taking suitable measures to obtain applications from qualified candidates;

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

12. Finance

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

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

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

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

13. Organization and curriculum

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

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

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

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

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

14. Admission and removal of pupils

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

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

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

15. Fees, grants and donations

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

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

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

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

PART IV – TRUSTEES OF PROPERTY OF THE SCHOOL

16. Property to be held in name of Board and custody of common seal

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

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

PART V – GENERAL

17. Regulations of Board

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

18. Principal's tenure of official residence

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

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

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

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19. Principal not to have other employment

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

20. Examinations

The examinations of the school shall be such as the Board prescribes after consultation with the Chief Education Officer.

21. Exhibitions

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

22. Determination of questions

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

23. Saving

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

**EDUCATION (BOARD OF GOVERNORS)
(KENYA POLYTECHNIC) ORDER**

ARRANGEMENT OF ORDERS

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[Subsidiary]

**EDUCATION (BOARD OF GOVERNORS)
(KENYA POLYTECHNIC) ORDER**

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

PART I – PRELIMINARY

1. Citation

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

2. Interpretation

In this Order, except where the context otherwise requires—

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

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

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

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

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

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

PART II – BOARD OF GOVERNORS

3. Establishment of Board

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

4. Constitution of Board

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

(a) a chairman appointed by the Minister;

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

the Industrial and Commercial Development Corporation;

the East African Institute of Architects;

the Federation of Kenya Employers;

the Kenya Railways Corporation;

the Kenya Posts and Telecommunications Corporation;

the East African Institution of Engineers;

the Central Organization of Trade Unions (Kenya);

the Council of University of Nairobi;

the City Council of Nairobi;

(c) a person who is the chairman of any advisory panel set up under paragraph 13, unless he is already a governor by virtue of subparagraph (b) of this paragraph;

(d) a person appointed by the Minister to represent secondary schools in Kenya;

(e) not more than three persons co-opted by the Board.

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

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

5. Tenure of office of governors

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

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

6. Vacancies on Board

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

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

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

7. Interest in property

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

8. Governor not personally liable

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

9. Meetings and procedure

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

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

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

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

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

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

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

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

[Subsidiary]

10. Certain members may appoint representatives

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

- the Minister;
- the Minister for the time being responsible for works;
- the Minister for the time being responsible for labour;
- the Minister for the time being responsible for commerce and industry;
- the Director of Personnel.

PART III – COMMITTEE AND PANELS

11. Executive Committee

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

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

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

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

(5) The chairman of the Board shall be a member of the executive committee *ex officio*.

(6) The executive committee shall appoint its own chairman and establish its own rules of procedure.

(7) The members of the executive committee shall be appointed annually and members shall be eligible for reappointment on retirement.

12. Other committees

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

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

13. Advisory panels

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

(2) The function of an advisory panel shall be to advise the principal on—

- (a) the organization of courses in a department of the Polytechnic;
- (b) the examinations for which students in the department should be entered;
- (c) the requirements of industry and commerce both as regards the numbers of students and the character of training;
- (d) arrangements for industrial or commercial experience during training; and
- (e) any other matter relating to the department.

(3) The chairman of an advisory panel shall be appointed by the Board and may be a governor appointed in accordance with paragraph 4 (1) (b).

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

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

PART IV – FUNCTIONS OF THE BOARD

14. Government of Polytechnic

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

15. Principal and staff

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

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

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

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

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

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

16. Organization and curriculum

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

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

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

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

(4) There shall be full consultation at all times between the principal and the chairman of the Board and between the principal and the Chief Officer of the Ministry concerned with technical education.

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

[Subsidiary]

17. Admission and exclusion of students

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

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

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

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

18. Suspension of students

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

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

19. Finance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART V – PROPERTY OF THE BOARD

20. Vesting of property in Board

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

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

PART VI – GENERAL

21. Determination of questions

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

**EDUCATION (BOARD OF GOVERNORS)
(MOMBASA POLYTECHNIC) ORDER**

ARRANGEMENT OF ORDERS

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Order

1. Citation.
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3. Establishment of Board of Governors as body corporate.
4. Membership of Board of Governors.
5. Tenure of office of Governors.
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11. Executive Committee.
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14. Government of Polytechnic.
15. Principal and staff.
16. Organization and curriculum.
17. Admission and exclusion of students.
18. Suspension of students.
19. Finance.
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PART V – GENERAL

21. Determination of questions.

[Subsidiary]

**EDUCATION (BOARD OF GOVERNORS)
(MOMBASA POLYTECHNIC) ORDER**

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

PART I – PRELIMINARY**1. Citation**

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

2. Interpretation

In this Order, except where the context otherwise requires—

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

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

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

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

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

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

PART II – BOARD OF GOVERNORS**3. Establishment of Board of Governors as body corporate**

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

4. Membership of Board of Governors

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

- (a) a chairman appointed by the Minister;
- (b) two persons appointed by the Minister to represent the Muslim community of the Coast Province;
- (c) one person nominated by each of the following bodies and appointed by the Minister—
 - the Kenya Railways Corporation;
 - the East African Power and Lighting Company Limited;
 - the Bamburi Portland Cement Company Limited;
 - the East African Oil Refineries;
 - the Kenya National Chamber of Commerce and Industry;
 - the Central Organization of Trade Unions (Kenya);
 - the Municipal Council of Mombasa;
- (d) any person who is the chairman of an advisory panel set up under paragraph 13, unless he is already a governor by virtue of subparagraph (c) of this paragraph;
- (e) a person appointed by the Minister to represent secondary schools in Kenya;

(f) not more than three persons co-opted by the Board.

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

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

5. Tenure of office of governors

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

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

6. Vacancies on Board

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

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

7. Interest in property

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

8. Governor not personally liable

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

9. Meetings and procedure

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

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

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

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

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

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

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

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

[Subsidiary]

10. Certain members may appoint representatives

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

- the Minister;
- the Minister for the time being responsible for works;
- the Minister for the time being responsible for labour;
- the Minister for the time being responsible for commerce and industry;
- the Director of Personnel.

PART III – COMMITTEES AND PANELS

11. Executive Committee

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

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

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

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

(5) The chairman of the Board shall be a member of the executive committee *ex officio*.

(6) The executive committee shall appoint its own chairman and establish its own rules of procedure.

(7) The members of the executive committee shall be appointed annually and members shall be eligible for reappointment on retirement.

12. Other committees

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

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

13. Advisory panels

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

(2) The function of an advisory panel shall be to advise the principal on —

- (a) the organization of courses in a department or section of the Polytechnic;
- (b) the examinations for which students in such department or section should be entered;
- (c) the requirements of industry and commerce both as regards the numbers of students and the character of training;
- (d) arrangements for industrial or commercial experience during training; and
- (e) any other matter relating to a department or section.

(3) The chairman of an advisory panel shall be appointed by the Board and may be a governor appointed under paragraph 4 (1) (c).

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

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

PART IV – FUNCTIONS OF THE BOARD

14. Government of Polytechnic

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

15. Principal and staff

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

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

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

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

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

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

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

16. Organization and curriculum

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

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

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

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

(4) There shall be full consultation at all times between the principal and the chairman of the Board and between the principal and the Chief Officer of the Ministry concerned with technical education.

[Subsidiary]

17. Admission and exclusion of students

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

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

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

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

18. Suspension of students

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

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

19. Finance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Vesting of property in Board and Custody of common seal

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

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

PART V – GENERAL

21. Determination of questions

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

EDUCATION (EDUCATION STANDARDS) REGULATIONS, 1968

[L.N. 106/1968.]

Revoked by L.N. 39/2015, r. 85(a).

PERSONS AUTHORISED TO ISSUE CERTIFICATES

UNDER SECTION 21(B)

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

Kianda College.

The Kenya Institute of Management

**EDUCATION (REGISTRATION OF
UNAIDED SCHOOLS) REGULATIONS, 1969**

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

Revoked by L.N. 39/2015, r. 85(d).

EDUCATION (BOARD OF GOVERNORS) ORDER, 1969

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

Revoked by L.N. 39/2015, r. 85(b).

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

[L.N. 18/1969.]

Revoked by L.N. 39/2015, r. 85(c).

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

[L.N. 50/1970.]

ORDERS UNDER SECTION 5

1. This Order may be cited as the Education (Entrustment of Functions to Local Authorities) Order.

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

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

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

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

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

- (a) administering of bursaries for secondary education in accordance with regulations made under the Act, and with estimates approved by the Minister responsible for local government after consultation with the Minister;
- (b) giving of material or rendering of financial assistance to any schools within their area of jurisdiction; and
- (c) dealing with any other matters that may be prescribed in regulations made under the Act.

Basic Education

[Subsidiary]

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

The Hill School, Eldoret;

Kitale Primary School;

Nyeri Primary School.

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

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

FIRST SCHEDULE

[Paragraphs 2(1), 5.]

Eldoret Municipal Council.

Kisumu Municipal Council.

Kitale Municipal Council.

Thika Municipal Council.

Mombasa Municipal Council.

City Council of Nairobi.

Nakuru Municipal Council.

SECOND SCHEDULE

[Paragraph 3(1).]

County Council of Busia.

County Council of Bungoma.

County Council of Central Rift.

County Council of Embu.

County Council of Garissa.

County Council of Gusii.

County Council of Isiolo.

County Council of Kakamega.

County Council of Kiambu.

County Council of Kilifi.

County Council of Kipsigis.

County Council of Kirinyaga.

County Council of Kisumu.

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

**EDUCATION (LOCAL ENTRY FEES FOR
EXAMINATIONS) REGULATIONS, 1970**

[L.N. 200/1970.]

REGULATIONS UNDER SECTION 22

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

SCHEDULE

[Regulation 2.]

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

Basic Education

[Subsidiary]

SCHEDULE—*continued*

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

EDUCATION (SCHOOL DISCIPLINE) REGULATIONS, 1972

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

Revoked by L.N. 39/2015, r. 85(e).

DISTRICT EDUCATION BOARDS ORDER, 1972

[L.N. 59/1972.]

ORDER UNDER SECTION 28

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

[L.N. 207/1973.]

Revoked by L.N. 39/2015, r. 85(f).

EDUCATION (SCHOOL COMMITTEES) REGULATIONS, 1978

[L.N. 190/1978.]

Revoked by L.N. 39/2015, r. 85(g).

**EDUCATION (BOARD OF GOVERNORS) (KENYA
TECHNICAL TEACHERS COLLEGE) ORDER**

ARRANGEMENT OF ORDERS

PART I – PRELIMINARY

Order

1. Citation.
2. Interpretation.

PART II – THE BOARD OF GOVERNORS

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

PART III – FINANCE AND GENERAL PURPOSES COMMITTEE

11. Finance and General Purposes Committee.

PART IV – FUNCTIONS OF THE BOARD OF GOVERNORS

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

PART V – FINANCE

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

PART VI – GENERAL

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

[Subsidiary]

**EDUCATION (BOARD OF GOVERNORS) (KENYA
TECHNICAL TEACHERS COLLEGE) ORDER**

[L.N. 242/1978.]

PART I – PRELIMINARY

1. Citation

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

2. Interpretation

In this Order, except where the context otherwise requires—

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

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

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

“**principal**” means the principal or head of the College;

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

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

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

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

PART II – THE BOARD OF GOVERNORS

3. Establishment of Board

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

4. Membership of Board

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

(a) a chairman appointed by the Minister;

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

the National Industrial Training Council;

the National Council of Science and Technology;

the University of Nairobi;

the Kenya Secondary School Heads Association;

the Kenya National Union of Teachers;

the Kenya Institute of Education;

the Association of Principals and Heads of Kenya Teachers Colleges.

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

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

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

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

5. Tenure of office of governors

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

(2) Governors shall be eligible for reappointment on retirement.

6. Vacancies on the Board

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

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

7. Alternate governors

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

8. Interest in College property

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

9. Governor not personally liable

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

10. Meetings and procedure

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

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

[Subsidiary]

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

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

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

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

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

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

PART III – FINANCE AND GENERAL PURPOSES COMMITTEE

11. Finance and General Purposes Committee

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

(2) The functions of the Committee shall be—

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

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

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

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

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

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

PART IV – FUNCTIONS OF THE BOARD OF GOVERNORS

12. Board to govern according to certain laws

The Board shall govern the College in accordance with—

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

13. Appointment of non-teaching staff

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

14. Staff seconded to the College

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

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

15. Dismissal of staff

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

16. General directions of the College

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

Provided that nothing shall be done or resolved which contravenes the terms of any agreement entered into by the Government with respect to the College which is still in force.

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

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

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

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

17. Admission and exclusion of students

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

PART V – FINANCE**18. Estimates**

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

19. Expenditure

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

20. Accounts

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

[Subsidiary]

21. Income

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

22. Raising of funds

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

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

23. Unexpended balance

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

24. Fees

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

PART VI – GENERAL

25. Vesting of property in Board

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

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

26. Custody of common seal

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

27. Minister to determine validity, etc.

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

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

ARRANGEMENT OF ORDERS

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

PART III – FINANCE AND GENERAL PURPOSES COMMITTEE

11. Finances and General Purposes Committee.

PART IV – FUNCTIONS OF THE BOARD OF GOVERNORS

12. Board to govern according certain laws.
13. Appointment of non-teaching staff.
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PART V – FINANCE

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PART VI – GENERAL

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 26. Custody of common seal.
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[Subsidiary]

**EDUCATION (BOARD OF GOVERNORS) (KENYA
SCIENCE TEACHERS COLLEGE) ORDER**

[L.N. 243/1978, L.N. 166/1979.]

PART I – PRELIMINARY

1. Citation

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

2. Interpretation

In this Order, except where the context otherwise requires—

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

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

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

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

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

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

PART II – THE BOARD OF GOVERNORS

3. Establishment of Board

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

4. Membership of Board

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

(a) a chairman appointed by the Minister;

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

the National Council for Science and Technology;

the University of Nairobi;

the Kenya Institute of Education;

the Kenya National Union of Teachers;

the City Council of Nairobi;

the Teachers Service Commission;

the National Academy of Science and Arts;

the Kenya Secondary Schools Heads Association;

the National Libraries Association;

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

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

(e) the Permanent Secretary of the Ministry responsible for matters relating to education, or his representative, who shall be an *ex officio* member of the Board.

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

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

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

5. Tenure of office of governors

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

(2) Governors shall be eligible for reappointment on retirement

6. Vacancies on the Board

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

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

7. Alternate governors

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

8. Interest in College property

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

9. Governor not personally liable

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

10. Meetings and procedure

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

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

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

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

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

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

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

[Subsidiary]

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

PART III – FINANCE AND GENERAL PURPOSES COMMITTEE

11. Finance and General Purposes Committee

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

(2) The functions of the Committee shall be —

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

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

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

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

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

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

PART IV – FUNCTIONS OF THE BOARD OF GOVERNORS

12. Board to govern according to certain laws

The Board shall govern the College in accordance with—

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

13. Appointment of non-teaching staff

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

14. Staff seconded to the College

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

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

15. Dismissal of staff

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

16. General directions of the College

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

Provided that nothing shall be done or resolved which contravenes the terms of any agreement entered into by the Government with respect to the College which is still in force.

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

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

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

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

17. Admission and exclusion of students

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

PART V – FINANCE

18. Estimates

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

19. Expenditure

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

20. Accounts

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

21. Income

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

22. Raising of funds

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

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

[Subsidiary]

23. Unexpended balance

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

24. Fees

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

PART VI – GENERAL

25. Vesting of property in Board

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

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

26. Custody of common seal

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

27. Minister to determine validity, etc.

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

**EDUCATION (KENYA INSTITUTE OF
SPECIAL EDUCATION) ORDER, 1986**

ARRANGEMENT OF ORDERS

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Order

1. Citation.
2. Interpretation.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE INSTITUTE

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

PART III – PROPERTY OF THE COUNCIL

10. Vesting of property in the council.

PART IV – COMMITTEES OF THE INSTITUTE

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

PART V – MISCELLANEOUS PROVISIONS

13. Determination of questions.

[Subsidiary]

**EDUCATION (KENYA INSTITUTE OF
SPECIAL EDUCATION) ORDER, 1986**

[L.N. 17/1986.]

PART I – PRELIMINARY

1. Citation

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

2. Interpretation

In this Order—

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

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

PART II – ESTABLISHMENT AND FUNCTIONS OF THE INSTITUTE

3. Establishment and functions of the Institute

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

(2) The functions of the Institute shall be—

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

4. Council of the Institute

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

(2) The Council shall consist of the following Members—

- (a) a chairman appointed by the Minister;
- (b) the Permanent Secretary of the Ministry for the time being responsible for special education;

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

5. Tenure of office

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

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

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

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

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

6. Meeting and procedure of the council

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

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

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

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

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

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

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

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

7. Director and staff of the Institute

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

[Subsidiary]

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

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

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

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

8. Finance

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

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

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

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

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

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

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

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

9. Annual accounts, etc

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

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

PART III – PROPERTY OF THE COUNCIL

10. Vesting of property in the council

All such immovable property, shares, fund and securities as may from time to time become the property of the council shall be in the name of the Council of the Kenya Institute

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

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

PART IV – COMMITTEES OF THE INSTITUTE

11. Finance and General Purposes Committee

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

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

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

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

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

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

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

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

12. Other committees

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

PART V – MISCELLANEOUS PROVISIONS

13. Determination of questions

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

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

ARRANGEMENT OF ORDERS

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21. Determination of questions.

[Subsidiary]

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

[L.N. 120/1987.]

PART I – PRELIMINARY

1. Citation

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

2. Interpretation

In this Order, unless the context otherwise requires—

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

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

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

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

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

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

PART II – BOARD OF GOVERNORS

3. Establishment of Board

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

4. Membership of Board

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

- (a) a chairman appointed by the Minister;
- (b) two persons appointed by the Minister to represent the religious community in the Rift Valley Province;
- (c) one person nominated by each of the following bodies and appointed by the Minister—
 - (i) the Raymond Woolen Mills;
 - (ii) the Mumias Sugar Company;
 - (iii) the Kenya Association of Manufacturers;
 - (iv) the Central Organization of Trade Union (Kenya);
 - (v) the senate of the Moi University;
 - (vi) the Municipal Council of Eldoret;
 - (vii) the Webuye Pan Paper Company;
 - (viii) the Kenya Seeds Corporation;
 - (ix) the East African Tanning and Extract Company;
 - (x) the Kenya Creamery Co-operative;
- (d) a person who is the chairman of an Advisory Panel set up under paragraph 13 unless he is already a governor by virtue of subparagraph (c);
- (e) a person appointed by the Minister to represent secondary schools in Kenya;
- (f) not more than three persons co-opted by Board.

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

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

5. Tenure of office of governors

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

6. Vacancies on the Board

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

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

7. Interest in property

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

8. Governor not personally liable

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

9. Meetings and procedure

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

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

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

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

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

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

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

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

10. Representatives

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

- (i) the Minister;
- (ii) the Minister for the time being responsible for works;
- (iii) the Minister for the time being responsible for labour;
- (iv) the Minister for the time being responsible for commerce and industry;

[Subsidiary]

- (v) the Director of Personnel.

PART III – COMMITTEES AND PANELS

11. Executive committee

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

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

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

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

(5) The chairman of the Board shall be an *ex officio* member of the executive committee.

(6) The executive committee shall appoint its own chairman and establish its own rules of procedure.

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

12. Other committees

The Board may from time to time appoint any committee for any special purpose connected with the Polytechnic and may vest in such committee such powers, other than the power to appoint a principal and the power to approve estimates of expenditure, and functions and impose on it such rules of procedure as the Board may decide and the members of the committee may include, persons who are not governors:

Provided that the chairman of the Board shall be an *ex officio* member of any such committee.

13. Advisory panels

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

(2) The function of an Advisory Panel shall be to advise the principal on—

- (a) the organization of courses in a department or section of the Polytechnic;
- (b) the examinations for which students in such department or section should be entered;
- (c) requirements of industry and commerce both as regards the numbers of students and the character of training;
- (d) arrangements for industrial or commercial experience during training; and
- (e) any other matter relating to such department or section.

(3) The chairman of an Advisory Panel shall be appointed by the Board and may be a governor appointed under paragraph 4(1)(c).

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

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

PART IV – FUNCTIONS OF THE BOARD

14. Government of the Polytechnic

The Polytechnic shall be governed by the Board in accordance with the provisions of the Act and any rules and regulations made thereunder, the Teachers Service Commission and this Order.

15. Principal and staff

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

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

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

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

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

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

(7) No proposal to dismiss a person employed by the Board, or to terminate his contract, or to request the Minister or any other employer to terminate the secondment of a person seconded to the service of the Board, on grounds of misconduct or grave professional default, shall be decided until the person has been given an opportunity to appear in person before the Board.

16. Organization and curriculum

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

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

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

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

(4) There shall be full consultation at all times between the principal and the chairman of the Board and between the principal and the chief officer of the Ministry concerned with technical education.

17. Admission and exclusion of students

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

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

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

[Subsidiary]

18. Suspension of students

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

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

19. Annual estimates of revenue and expenditure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Vesting of property in Board and custody of common seal

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

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

PART V – GENERAL

21. Determination of questions

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

**EDUCATION (BOARD OF GOVERNORS) (NON-
TEACHING STAFF) REGULATIONS, 1993**

[L.N. 262/1993.]

Revoked by L.N. 39/2015, r. 85(h).

**EDUCATION (NATIONAL ADVISORY
BOARD) (ESTABLISHMENT) ORDER, 1996**

ARRANGEMENT OF ORDERS

Order

1. Citation.
 2. Establishment.
 3. Constitution of the Board.
 4. Functions of the Board.
 5. Procedures of the Board.
 6. Quorum of the Board.
 7. Vacancy of office.
 8. Resolution of the Board.
 9. Determination of disputes.
-

[Subsidiary]

EDUCATION (NATIONAL ADVISORY BOARD) (ESTABLISHMENT) ORDER, 1996

[L.N. 16/1996.]

1. Citation

This Order may be cited as the Education (National Advisory Board) (Establishment) Order, 1996.

2. Establishment

There is hereby established a Board to be known as the National Education Advisory Board.

3. Constitution of the Board

(1) The Board shall consist of—

- (a) a chairman to be appointed by the Minister;
- (b) the Director of Education who shall be the secretary;
- (c) the Permanent Secretary, Ministry of Education;
- (d) the Director of Technical Training;
- (e) the Director of Adult Education;
- (f) the Director of Children's Services;
- (g) the Secretary to the Commission for Higher Education;
- (h) the Chief Inspector of Schools;
- (i) the Executive Director of the Federation of Kenya Employers;
- (j) a representative of the Kenya Catholic Secretariat;
- (k) a representative of the Christian Churches Educational Association;
- (l) a representative of the Hindu Council of Kenya;
- (m) a representative of the Supreme Council of Kenya Muslims;
- (n) representatives from the Provincial Education Boards;
- (o) not more than five persons to represent other education interests, at least two of whom shall be women.

(2) Members of the Board referred to in paragraphs (j) to (o) shall be appointed by the Minister.

4. Functions of the Board

The functions of the National Education Advisory Board shall be—

- (a) to advise the Minister on the organization and curricula of schools and the fees to be charged in public schools;
- (b) to initiate proposals on legislation affecting education;
- (c) to deliberate upon any matters affecting education submitted by any eight members of the Board;
- (d) to advise the Minister on all matters arising from the Provincial Education Boards which may be of general interest;
- (e) to receive grants or grants-in-aid from the public and disburse the same to the District Education Boards for administration;
- (f) to submit to the Minister for approval national plans for the development or promotion of education;
- (g) to superintend the management of public and private schools and advise the Provincial Education Boards and District Education Boards;
- (h) to submit such statistical, financial and other reports as the Minister may require;

- (i) to advise on and perform such other functions as the Minister may require.

5. Procedures of the Board

(1) The National Education Advisory Board shall meet not less than once a year and at such other times the Minister may request:

Provided that on receipt of a written requisition signed by eight members, the chairman shall within six weeks of such receipt summon a meeting of the Board.

(2) It shall be the duty of the chairman to report to the Board the action taken on any matter on which the Board has advised the Minister.

6. Quorum of the Board

The National Education Advisory Board shall at its first meeting decide the number of members required to constitute a quorum.

7. Vacancy of office

The office of a member, other than an *ex officio* member shall fall vacant—

- (a) upon his death;
- (b) if the Minister is satisfied that such a member is by reason of his physical or mental infirmity unable to execute the functions of his office; or
- (c) if the member submits his resignation in writing to the Minister through the secretary to the Board.

8. Resolution of the Board

A resolution at a meeting of the National Education Advisory Board shall require the affirmative votes of one half of the members present except the Chairman who shall have a casting vote only.

9. Determination of disputes

Any dispute relating to the interpretation of this Order shall be determined by the Minister.

**EDUCATION (PROVINCIAL EDUCATION BOARDS)
(ESTABLISHMENT) ORDER, 1996**

[L.N. 17/1996.]

1. This Order may be cited as the Education (Provincial Education Boards) (Establishment) Order, 1996.
 2. There is hereby established a Provincial Education Board for each province in Kenya to be known as the Provincial Educational Board which shall exercise jurisdiction over the area for which it has been appointed.
 3. Each Provincial Education Board shall consist of—
 - (a) the Provincial Commissioner, who shall be chairman;
 - (b) the Provincial Director of Education, who shall be secretary;
 - (c) the Provincial Technical Training Officer;
 - (d) the Provincial Director of Adult Education;
 - (e) the Provincial Children's Officer;
 - (f) one person to represent the Permanent Secretary to the Minister of Education;
 - (g) one person to represent the Kenya Catholic Secretariat;
 - (h) one person to represent the Hindu Council of Kenya;
 - (i) one person to represent the Supreme Council of Kenya Muslims;
 - (j) five persons to represent churches which are members of the Christian Church Educational Association;
 - (k) not more than five other persons, being persons involved in matters relating to education within the province, at least two of whom shall be women.
 4. The members referred to in (g) to (k) above shall be appointed by the Minister.
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KENYA EDUCATION PERFORMING ARTS FOUNDATION ORDER, 1996

ARRANGEMENT OF ORDERS

PART I

Order

1. Citation.
2. Interpretation.

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3. Establishment and functions of Foundation.

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PART IV – COUNCIL OF THE FOUNDATION

5. Establishment of the Council.
6. Membership of the Council.
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 28. Tenure, meetings and procedure of the executive committees.
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KENYA EDUCATION PERFORMING ARTS FOUNDATION ORDER, 1996

[L.N. 2/1997.]

PART I – PRELIMINARY

1. Citation

This Order may be cited as the Kenya Education Performing Arts Foundation Order, 1996.

2. Interpretation

In this Order, except where the context otherwise requires—

“**Chairman**” means the Chairman of the Council;

“**Council**” means the Council of the Foundation established under paragraph 5;

“**Foundation**” means Kenya Education Performing Arts Foundation;

“**Fund**” means Performing Arts activities winners Bursary, Aid and Scholarships Fund;

“**Member**” means a member of the Council;

“**Performing Arts**” means music, drama, sports and congress on science and technology;

“**Winners**” means persons of any age, race, or creed who are for the time being ordinarily resident in Kenya and are talented and most meritorious of the schools and colleges performing arts activities.

PART II – FUNCTIONS OF THE FOUNDATION

3. Establishment and functions of Foundation

(1) There shall be established a Foundation known as the Kenya Education Performing Arts Foundation which shall be charged with the responsibility of carrying out the functions specified in subparagraph (2).

(2) The Functions of the Foundation shall be—

- (a) to advise the Minister on any matters concerning performing arts activities in Kenya;
- (b) to promote, preserve, encourage and develop music, drama, sports and congress on Science and Technology within Kenya’s educational institutions;
- (c) to provide, organize and co-ordinate a forum for up and coming—
 - (i) sportsmen and scientists; and
 - (ii) performers of music and drama, to express their talents and works;
- (d) to promote, preserve and develop Kenya’s cultural heritage and values;
- (e) to select and intergrate positive cultural values of the international communities;
- (f) to plan and provide policy guidelines for effective organization of performing Arts activities within and for the educational institutions;
- (g) to promote and contract the promotion of the performing arts activities and shows organized by the Foundation through the media, electronic, print or otherwise;
- (h) to educate and train adjudicators, umpires, judges, coaches, referees, resource personnel, teachers and students of music, drama, sports and science and technology through seminars, workshops, clinics and symposia useful in raising the standards of performance;
- (i) to produce, print, publish, distribute, market and disseminate information on performing arts through newsletters, brochures, periodicals, books, music

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[Subsidiary]

sheets, scripts, photographs, television or cinematographic films, video tapes, sound recordings, slides, and any other media suitable for the promotion of objects of the Foundation;

- (j) to establish and manage a school of performing arts which shall offer certificate and diploma courses;
- (k) to establish and operate cultural, social and resource centres for promotion and attainment of the Foundation objects;
- (l) to expose, promote and popularize performing arts activities amongst members of the community;
- (m) to establish, manage, invest and administer a permanent endowment Bursary, Aid and Scholarships Fund for winners of performing arts activities;
- (n) to raise funds for the benefit of the Foundation by appealing to the general public for subscriptions, donations, bequests, and by raising fees for competitions, festivals or otherwise, and to participate in or otherwise assist in the promotion of fund raising activities, fetes, bazaars, theatrical productions, concerts, sports meetings or other forms of entertainment, and such other things whose object is to raise money for the purpose of the Foundation;
- (o) to enter into partnership or any arrangement for union of interests, co-operation, reciprocal concession or otherwise, with any person or company carrying on or engaged in, or about to carry out or engage in, any business or transaction capable of being conducted so as directly or indirectly to benefit the Foundation;
- (p) to enter into any arrangement with any Government authorities, central, municipal, local or otherwise, that may seem conducive to the Foundation's objects or any of them, and to obtain from such body any rights, privilege and concessions which the Foundation may think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;
- (q) to apply to any Government or local authorities, public bodies, companies or persons for and to accept grants of money and of land, donations, gifts, subscriptions and other assistance with a view to promoting the objects of the Foundation and, in taking any gift of property, to take the same subject to any special trust which may be prescribed by the donor thereof;
- (r) to purchase, take on lease or by any other legitimate means acquire any movable or immovable property in the Republic of Kenya for any estate or interest whatever, and any rights and privileges over or in respect of any property or buildings or things whatsoever;
- (s) to obtain any order for enabling the Foundation to carry any of its objects into effect, or for the affecting or modification of the Foundation's constitution, or for any proceedings or applications which may seem calculated, directly or indirectly, to prejudice the Foundation's interest;
- (t) to affiliate with any other association in or outside the Republic of Kenya having projects altogether or in part similar to those of the Foundation.

PART III – PATRON

4. Patron of Foundation

The President of the Republic of Kenya shall be the patron of the foundation.

PART IV – COUNCIL OF THE FOUNDATION

5. Establishment of the Council

There shall be a council to be known as the Council of the Kenya Education Performing Arts Foundation.

6. Membership of the Council

- (1) The Council shall consist of the following members—
- (a) a Chairman appointed by the Minister;
 - (b) the Director of Education;
 - (c) the Chief Inspector of Schools;
 - (d) the Director, Department of Culture;
 - (e) the Commissioner of Sports;
 - (f) the Chairman, Permanent Presidential Music Commission;
 - (g) a Vice-Chancellor from a University offering a degree or diploma in music, drama, physical education and science who shall be appointed by the minister;
 - (h) the Director, Technical Training and Technology;
 - (i) the Chairman, National Council of Science and Technology;
 - (j) two representatives of the business community who shall be appointed by the minister;
 - (k) one representative from the Ministry of Information and Broadcasting;
 - (l) the Chairman, National Executive Committee for Drama;
 - (m) the Chairman, National Executive Committee for Music;
 - (n) the Chairman, Kenya Colleges and Schools Sports Council;
 - (o) the Chairman, National Students Congress on Science and Technology;
 - (p) the Managing Director of the Foundation who shall be the Secretary to the Council.
- (2) The Chairman may, with the approval of the Minister co-opt any person whose skills, knowledge or experience may be useful to the Council or to any committee of the Council.

7. Tenure of office of members

- (1) The members shall hold office for a period of three years, and shall be eligible for re-appointment.
- (2) A member may resign his office by writing under his hand delivered to the Chairman of the Council.
- (3) Every Council member shall have the right to appoint a proxy with full power to act, vote and speak in his place at any meeting which he is himself unable to attend.
- (4) A member shall be deemed to have vacated his office if he—
- (a) becomes bankrupt or compounds with his creditors;
 - (b) is absent from three consecutive meetings of the Council without permission from the Chairman;
 - (c) suffers from mental disorder or from physical incapacity.

8. Meeting and procedure of the Council

- (1) The Council shall hold an ordinary meeting at least three times in each year and each meeting shall be convened by the Chairman.
- (2) The Chairman may at any time call a special meeting of the Council, and shall call a special meeting within twenty-eight days of receiving a requisition for that purpose addressed to him in writing by any three members.
- (3) The Chairman shall give two weeks notice to all the members of any meeting and the agenda thereat.
- (4) A quorum of the Council shall be one in excess of half the total number of members.

[Subsidiary]

(5) The decision of the Council shall be by a majority of votes of the members present and voting and the member presiding at each meeting shall have a deliberative vote and, in the event of an equality of votes, he shall have a casting vote.

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

(7) In the absence of the Chairman, the members shall elect one of the members present at the meeting to be the Chairman of that meeting.

(8) All documents made, and all decisions of the Council may be signed under the hand of the Chairman, or of any member or officer of the Council authorized in that behalf.

9. Managing Director and staff of the Council

(1) The Minister shall in consultation with the Council appoint—

- (a) the Managing Director of the Foundation;
- (b) the Deputy Managing Director in charge of Finance and Administration; and
- (c) the Deputy Managing Director in charge of Performing Arts.

(2) The Council shall appoint a suitable professional, technical and supporting staff.

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

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

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

10. General management of the foundation

(1) Subject to paragraph (2) of this paragraph and to the Minister's power to determine the specific functions of the Foundation and its place in the educational system of Kenya, the Council shall have the power of general management of the Foundation.

(2) Nothing done or resolved by the Council at its meeting shall be held to be validly done or resolved if or to the extent that it contravenes the terms of any agreement entered into by the Government with respect to the Foundation in force at the time of such a meeting.

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

(4) Subjects to the provisions of this Order, the Managing Director of the Foundation shall control the internal organization, management and discipline of the Foundation, exercise supervision over the technical and supporting staff, and shall be responsible to the Council and fostering and maintaining high standards of conduct among the staff of the Foundation.

(5) The Council shall seek and accept professional or other advice with regard to the performance of any of the functions of the Council with or without payment for such advice.

PART V – FINANCIAL PROVISIONS

11. Financial year

The financial year of the Foundation shall be from 1st July to 30th June of the following year.

12. Funds for the Foundation

The Council may, with the approval of the Minister and subject to any restrictions imposed by law raise funds for the benefit of the Foundation by—

- (a) appealing to the general public for subscriptions, donations and bequests;
- (b) collecting fees for competitions, festivals, matches, courses, seminars, workshops, symposia, clinics or otherwise;
- (c) participating in or otherwise assisting in the promotion of fetes, bazaars, theatrical productions, concerts, sports, meetings, exhibitions, or other forms of entertainment, and such other events whose object is the raising of money for the Foundation;
- (d) applying to any Government or local authorities, public bodies, companies or persons for and accepting grants of money and of land, donations, gifts, subscriptions and other assistance a view to promoting the objects of the Foundation.

13. Annual estimates

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

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

(3) The Council shall receive all grants made out of public funds, whether for capital or revenue purposes, and membership fees, subscriptions, donations or bequests made to the Foundation.

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

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

(6) The Managing Director of the Foundation shall control the day-to-day expenditure connected with the running of the Foundation, and shall present any account of such expenditure to the Finance and General Purposes Committee which shall take necessary action on behalf of the Foundation.

(7) The Council may, with the approval of the Minister, pay all expenses connected with the Foundation, including the salaries of the Managing Director of the Foundation and those of other staff; but the personal emoluments of persons seconded to the service of the Foundation under paragraph 9(3) shall be paid by the seconding authority.

(8) Any unexpended balance of a grant may be carried forward in the accounts of the Foundation from one year to the next and be expended as the Council may determine, or be put into the account of the Foundation.

(9) All moneys from time to time received by or on behalf of the Council shall be paid forthwith into a bank or banks selected by the Council and (with the expectation only of any imprest accounts opened by the Council for operation by specified officers), the Council shall not authorize any withdrawal from the accounts without the express approval of the Minister.

PART IV – ESTABLISHMENT OF THE FUND

14. Establishment of the Fund

(1) There is hereby established a fund to be known as the Kenya Education Performing Arts Foundation Fund.

(2) The object and purpose of the Fund is to provide funds to be used for giving out bursaries, aid and scholarships to winners.

(3) The Fund shall be managed and administered by the Council.

[Subsidiary]

15. Income of the Fund

(1) The Council may from time to time, with the consent of the Minister, retain or pay out the income of the Fund all expenses reasonably incurred in raising or receiving contributions to the Fund or in the administration of the Fund.

(2) Subject to only the retention or payment of expenses as hereinbefore provided the Council shall use the income of the Fund (but not any part of the capital thereof) solely for the benefit of the persons of any age, race or creed or nationality who are talented and most meritorious winners of the schools and colleges performing arts activities and are for the time being normally resident in the Republic of Kenya (hereinafter called "the winner") in one or more of the manners following that is to say—

- (a) subsidising statutory school/college tuition fees in a registered or approved educational institution; or an educational institution established by an Act of Parliament and whose educational activities are recognized by the Ministry, of Education;
- (b) by way of contributing to stipulated scholarships as a prerequisite for admission into a course of study in a school or college within or outside Kenya;
- (c) by subsidising the expenses for purchase of materials required as the furtherance of relevant theoretical and/or practical skills; or
- (d) in purchase and gift or loan or an educational institution, such as school of performing arts, of equipment of any kind which the Council considers to be needed for the training and maintenance of high standards in the respective areas of specialization of the winners.

(3) The Council shall not be required to disburse the whole net income of the Fund during the year in which such income is received; any balance thereof may be accumulated (with or without investment of the same) and used by them as income for the benefit of the winner as hereinbefore provided in any subsequent year or years.

(4) Notwithstanding anything to the contrary herein appearing the Council may accept donations of money or gifts in kind to be used for the benefit of the winners either collectively or individually in any such special manner (including the expenditure of capital moneys) as the donor thereof may expressly direct and shall use all such money and gifts in kind only in accordance with such express directions.

(5) In applying the income of the Fund or any such special donations of money or gifts in kind for any of the purposes hereinbefore provided the Council may take such measures by way of examining scholarships forms and documents or requiring accounts and vouchers or otherwise as they think necessary or desirable to ensure the proper application thereof but shall not be legally responsible for any money, equipment or gifts in kind after payment or delivery thereof to a responsible officer of the institution concerned or the Government (as the case may be) and signature by such officer of a written receipt for the same with acknowledgement of the precise purpose for which it has been paid or delivered to him or her.

(6) The Fund shall be invested by the Council in the name of the Foundation in such manner as is for the time being authorized by the law of Kenya for investment and Trust Funds.

(7) The Council shall have power with the consent of the Minister—

- (a) to solicit by public appeal or otherwise donations either in cash or in kind whether for the general purposes of the Fund or for any special purpose which is within the objects of the Fund;
- (b) to construct buildings and other improvements on any immovable property in which the Fund is for the time being invested and for any such purpose to resort to the capital of the Fund;
- (c) to repair, insure and otherwise maintain any such immovable property as aforesaid and to pay all outgoings in respect thereof;

- (d) to grant leases and tenancies of any such immovable property as aforesaid for such periods and on such terms as regards rent or otherwise as the Council thinks expedient;
- (e) to borrow such money as the Council may from time to time require for purpose or development of any property in which the Fund is for the time being invested or about to be invested as provided by subparagraph 6 hereof upon such terms as to interest and repayment as the Council thinks proper whether with or without a charge on any such property or any other part of the Fund as security therefor;
- (f) to borrow money by way of overdraft without security for any other purpose of this Fund so far as the same can and will be repaid out of the income of the Fund within the next twelve calendar months;
- (g) generally (and without limitation of such generality by the fore-going context) to do all such acts and things as may seem to them to be necessary or desirable as directly or indirectly conducive towards fulfillment of any of the objects of this Fund.

(8) All or any of the provisions of these presents in paragraph 15 or the basic objects of providing benefits for winners may at any time or times be modified or extended in such manner and to such extent as the Council may from time to time determine with the consent of the Minister.

16. Annual accounts, etc

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

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

17. Auditor

All the Foundation's accounts, records and documents shall be audited by the Controller and Auditor-General.

PART VII – PROPERTY OF THE FOUNDATION

18. Vesting of property in the Foundation

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

19. Savings

The Kenya Education Performing Arts Foundation is successor to the Kenya Music Festival (Educational Institutions) Foundation and the Kenya Schools and Colleges Sports Council both established under the Societies Act (Cap. 108), and subject to this Order, all rights, duties, obligations, assets and liabilities of the Kenya Music Festival (Educational Institutions) Foundation and the Kenya Schools and Colleges Sports Council, shall be automatically and fully transferred to the Kenya Education Performing Arts Foundation and any reference to the former Foundation and former Sports Council in any contract or document prior to the commencement of this order shall for all purposes be deemed to be reference to the Foundation established under this order.

[Subsidiary]

PART VIII – FINANCE AND GENERAL PURPOSES COMMITTEE

20. Finance and General Purposes Committee

(1) The Council shall appoint the Finance and General Purposes Committee (hereinafter in this part referred to as the “General Committee”) consisting of not less than five and not more than seven members.

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

- (a) to give guidance to the managing director of the Foundation in the implementation of the decisions;
- (b) to take such decisions or action as would accelerate the execution of the policy, decisions of the Council;
- (c) to consider and authorize any financial transactions or development proposals on behalf of the Foundation;
- (d) to do anything which the Council shall require to be done by the General Committee.

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

(4) The managing director of the Foundation shall be the Secretary and *ex officio* member of the General Committee.

(5) The Chairman of the Council shall be the Chairman of the General Committee.

(6) The Committee shall have its own rules of procedure.

PART IX – PERFORMING ARTS FUND TRUSTEES

21. Performing Arts Fund Trustees

The Council shall establish the Performing Arts Fund Trustees (hereinafter in this part referred to as the “Trustees”) consisting of not less than seven members appointed by the Chairman with the approval of the Minister.

22. Tenure, meetings and procedure of Trustees

The provisions of paragraph 7(1), (2), (4) and 8 shall apply *mutatis mutandis* in respect of tenure of members, the meetings, etc., of the Performing Arts Fund Trustees.

23. Chairman of Trustees

The Minister shall appoint one of the Council members the chairman of the Trustees.

24. Functions, powers and responsibilities of Trustees

The Trustees shall have functions, powers and responsibilities as follows—

- (a) drawing up rules, regulations and modalities for award of bursaries, aid and scholarships to the winners of the performing arts activities.
- (b) keeping and maintenance of detailed up-to-date records of the issued awards;
- (c) examining bursary, aid and/or scholarship documents, accounts and vouchers or otherwise according to the forwarded requests and proposals; to ensure proper application of the Fund by the Council.

25. Minutes

The Trustees shall cause minutes to be made of all names of members present and of all resolutions and proceedings at all meetings.

PART X – NATIONAL EXECUTIVE COMMITTEES FOR MUSIC AND
DRAMA, KENYA SCHOOLS AND COLLEGES SPORTS COUNCIL
AND NATIONAL CONGRESS ON SCIENCE AND TECHNOLOGY

26. National executive committees

The Council shall establish the National Executive Committee for Music, the National Executive Committee for Drama, the Kenya Schools and Colleges Sports Council and the Congress on Science and Technology (hereinafter in this part referred to as Executive Committees).

27. Composition of National Executive Committees

Each of the National Executive Committees shall consist of—

- (a) the Chairman appointed by the Minister;
- (b) the Executive Secretary who shall be seconded to the Council by the Director of Education;
- (c) the Treasurer who shall be a staff member of the Council;
- (d) not more than seven and not less than four members appointed by the Chairman with the approval of the Minister;
- (e) the Chairman so appointed shall be a member of the Council by virtue of such appointment.

28. Tenure, meetings and procedure of the executive committees

The provisions of paragraphs 7(1), (2), (4) and 8(4), (5), (6), (8) shall apply *mutatis mutandis* in respect of tenure of members, the meetings, etc., of the executive committees.

29. Staff of the executive committees

(1) The respective members of the executive committees shall at the first meeting in every calendar year elect one of their members to be vice-chairman until the first meeting in the next calendar year.

(2) The executive secretary shall deal with all correspondence of each of the respective executive committees. In cases of urgent matters where the respective committees cannot be consulted, he shall consult the chairman or if he is not available, the vice-chairman. The decision reached shall be subject to ratification at the next committee meeting. He shall issue notices convening all meetings of the committee and all general meetings, and shall be responsible for keeping minutes of all such meetings and for the preservation of all records of proceedings of the committee. He shall also be responsible for the office administration of the respective executive committees.

30. Function of the Executive Committees

(1) The executive committees shall respectively be responsible for the organisation of the Kenya Music Festival, the Kenya Drama Festival, the Schools and Colleges Sports, and the National Congress on Science and Technology.

(2) On the request of a member of a committee the executive secretary shall, at any time summon a meeting of the respective committees.

31. Powers of the Executive Committees

(1) The executive committees shall have the following powers—

- (a) to make regulations for the governance of the music, drama, sports and science and technology activities to be managed by and under the control of the respective committees and the regulations for the discipline and remuneration of persons engaged or hired by the respective committees;
- (b) to make regulations governing the fixing and remission of entry and other fees payable for competitions, seminars, courses, workshops and any other activities and money received from whatever other source.

[Subsidiary]

(2) Each committee shall cause minutes to be made—

- (a) of all names of the members of the committee present at each meeting;
- (b) of all resolutions and proceedings at all general meetings of the committee.

(3) Each executive committee shall prepare annual estimates of revenue and expenditure in such form and at such time as the Council shall prescribe.

(4) The executive committees shall incur expenditure for the purpose of the Foundation in accordance with estimates which have been approved by the Council, and any approved expenditure under any head of the estimates may not be exceeded without prior approval of the Council.

32. Responsibilities of the executive committees

The executive committees shall be responsible for the following—

(1) Organizing—

- (a) workshops, seminars, concerts and tours;
- (b) festivals, meetings and competitions;
- (c) exhibitions;
- (d) courses; and
- (e) travelling theatres.

(2) Drawing up rules and regulations for the management of the respective activities within the programme at the national and preliminary levels.

(3) Printing and publishing newsletters, brochures, periodicals, books, music sheets, scripts and photographs.

(4) Designing, collecting, storing and marketing of costumes, props, instruments for use by adjudicators, coaches, trainers, umpires, judges, resource personnel, teachers and students during various programmes.

EDUCATION (BOARD OF GOVERNORS) (KISUMU POLYTECHNIC) ORDER, 2001

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[Subsidiary]

**EDUCATION (BOARD OF GOVERNORS) (KISUMU
POLYTECHNIC) ORDER, 2001**

[L.N. 85/2001.]

PART I – PRELIMINARY

1. Citation

This Order may be cited as the Education (Board of Governors) (Kisumu Polytechnic) Order, 2001.

2. Interpretation

In this Order, unless the context otherwise requires—

“**Board**” means the Board of Governors of Kisumu Polytechnic established under paragraph 3 of this Order;

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

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

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

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

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

PART II – BOARD OF GOVERNORS

3. Establishment of Board of Governors

There is hereby established a board to be known as the Kisumu Polytechnic Board of Governors which shall be a body corporate with perpetual succession and a common seal and shall in its corporate name sue or be sued.

4. Membership

(1) The Board shall consist of—

- (a) a chairman appointed by the Minister;
- (b) one person nominated by each of the following bodies, and appointed by the Minister—
 - (i) any three local Industries (Western Kenya Region);
 - (ii) the Kenya Association of Manufacturers;
 - (iii) the Municipal Council of Kisumu;
 - (iv) Nyanza Provincial Physical Planning Office;
 - (v) the Senate of Maseno University;
 - (vi) the Kenya Power and Lighting Company Limited;
 - (vii) Telkom Kenya Limited;
 - (viii) Federation of Kenya Employers representative;
 - (ix) a representative of the Local Women’s Group;
- (c) a person appointed by the Minister to represent the Nyanza Secondary Schools Heads Association unless he is already a governor by virtue of subparagraph (b);
- (d) not more than three persons co-opted by the Board;
- (e) the principal who shall be the secretary of the Board.

(2) The principal shall submit items of business for discussion by the Board and attend the meetings of the Board, as the Board shall determine, but shall have no right to vote at any meeting of the Board.

5. Tenure of office of Governors

(1) The Governors shall hold office for a period of three years; provided that the Board may make provision for the rotational retirement of a number of its members at the end of each calendar year.

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

6. Vacancies on the Board

(1) The appointing authority shall be notified at once of every vacancy on the Board.

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

(3) A Governor shall have the right to appoint a representative with full powers to act, vote and speak in his place in any meeting which he is unable to attend.

7. Interest in property

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

8. Governor not personally liable

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

9. Meetings and procedure

(1) The Board shall hold at least three ordinary meetings in each year, and the chairman shall, on the written request of three governors call a special meeting, provided that a notice of two clear weeks shall be given to the other governors of any meeting and of the matters to be discussed of such meeting.

(2) A quorum at any meeting of the Board shall be seven governors present, and every matter shall be determined by a majority of the governors present and voting thereon.

(3) In the absence of the chairman from any meeting of the Board, the governors shall elect one of their members to chair the meeting.

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

(5) Any meeting of the Board may be adjourned by resolution of the governors where there is no quorum.

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

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

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

10. Certain members may appoint representatives

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

The Minister for Education Science and Technology and the Minister for Labour.

[Subsidiary]

PART III – COMMITTEES AND PANELS

11. Executive committee

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

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

(3) The proceedings of any meetings of the executive committee shall be reported to the Board at the next subsequent meeting of the Board.

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

(5) The chairman of the Board shall be an *ex officio* member of the executive committee.

(6) The executive committee shall appoint its own chairman and establish its own rules of procedure.

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

12. Other committees

The Board may from time to time appoint any committee for any special purpose connected with the Polytechnic, and may vest in the committee such powers, other than the power to appoint a principal and power to approve estimates of expenditure, and functions and impose on it such rules of procedure as the Board may decide and the members of the committee may include but shall not exclusively consist of persons who are not governors:

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

13. Advisory panels

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

(2) The functions of an Advisory Panel shall be to advise the principal on—

- (a) the organization of short tailor-made courses in a department or section of the Polytechnic other than those managed by the Kenya Institute of Education;
- (b) the examinations for which students in such department or section should be entered, other than those managed by the Kenya National Examination Council (KNEC);
- (c) the requirements of industry and commerce both as regards the number of students and the character of training in consultation with the Training Council of the Directorate of Industrial Training (DIT);
- (d) arrangements for industrial or commercial experience during training in consultation with the training council of the Directorate of Industrial Training; and
- (e) any other matter relating to such department or section.

(3) The chairman of the Advisory Panel, shall be appointed by the Board and should be a governor, appointed in accordance with paragraph 4.

(4) Members of Advisory Panel, other than the chairman, shall be appointed by the Board from among persons with relevant experience in industry and commerce or in industrial or commercial education or training and may include governors.

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

PART IV – FUNCTIONS OF THE BOARD

14. Governance of the Polytechnic

The Polytechnic shall be governed by the Board in accordance with the provisions of the Act and any rules and regulations made thereunder or any other Act relating to other employment of teachers and this Order.

15. Principal and staff

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

(2) The Board may appoint after taking into consideration the advice of the principal, suitable teaching and non-teaching staff on terms and conditions approved by the Board.

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

(4) The Board may by resolutions passed by not less than two thirds of the governors present and voting at a special meeting convened for the purpose, request the Minister to terminate the secondment of any person seconded to the service of the Board under subparagraph (3) of this paragraph.

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

16. Organization and curriculum

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

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

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

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

(4) There shall be full consultations at all times on matters relating to the operation of the Polytechnic between the principal, the chairman of the Board, and the chief officer of the Ministry concerned with technical education.

(5) The principal shall make arrangements for consultations with the staff at meetings held for that purpose at appropriate intervals.

17. Admission and exclusion of students

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

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

(3) The exclusion of any student shall be reported to the Minister for approval.

[Subsidiary]

18. Suspension of students

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

(2) Before the expiry of any period of suspension, the matter shall be reported by the principal to the Board for determination or to any committee in which the power of the Board in respect of the exclusion of the students have been vested under paragraph 11 and 12 of this Order.

19. Finance

(1) The Board shall prepare annual estimates of revenue and expenditure for submission to the Minister in such form and at such times as shall be determined by the Minister.

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

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

(3) The funds of the Board shall comprise of all fees payable by students, grants made out of public funds, internally raised revenues whether for capital or recurrent purposes, and any subscriptions, donations made to the Polytechnic.

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

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

(6) The Principal shall control the day to day expenditure connected with the running of the Polytechnic and shall present accounts of such expenditure to the Board, in such form as the Board may direct.

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

Provided that the personal emoluments of any person seconded to the service of the Board under paragraph 15 of this Order shall, in the first instance, be paid by the Ministry or by such employer and may at the discretion of the Minister or such other employer, as the case may be, be recovered from the Board.

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

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

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

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

(12) The Board shall be responsible for making arrangements to raise any loan which the minister may, at the request of the Board authorize the Board to raise for the purpose of the Polytechnic and shall ensure that proper provision is made for the repayment of all

interests and other charges in accordance with any order made by the Minister in respect of the matter.

PART V – PROPERTY OF THE BOARD

20. Vesting of Property in the Board

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

PART VI – GENERAL

21. Determinations of questions

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

**EDUCATION (BOARD OF GOVERNORS)
(DEVELOPMENT LEARNING CENTRE) ORDER, 2003**

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[Subsidiary]

**EDUCATION (BOARD OF GOVERNORS)
(DEVELOPMENT LEARNING CENTRE) ORDER, 2003**

[L.N. 115/2003, L.N. 116/2003.]

PART I – PRELIMINARY

1. Citation

This Order may be cited as the Education (Board of Governors) (Development Learning Centre) Order, 2003.

2. Interpretation

In this Order, unless the context otherwise requires—

“**Board**” means the Board of Governors of the Development Learning Centre established under paragraph 3;

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

“**Centre**” means the Development Learning Centre situated within the Kenya Institute of Administration;

“**Director**” means the Director of the Centre;

“**staff**” means any staff of the Centre;

“**trainee**” means a person who is undergoing training at the centre;

“**D.P.M.**” means the Directorate of Personnel Management; and

“**G.D.L.N.**” means Global Development Learning Network.

PART II – BOARD OF GOVERNORS

3. Establishment of Board of Governors

There is established a Board of Governors to be known as the Board of Governors of the Development Learning Centre, which shall be a body corporate with perpetual succession and a common seal and may, in its corporate name, sue and be sued.

4. Independence of Board

The Board shall be independent and autonomous in its operations and functions.

5. Constitution of the Board

(1) The Board shall consist of—

- (a) a Chairman elected from amongst the members;
- (b) the Permanent Secretary/Director of Personnel Management, Office of the President;
- (c) one person nominated by each of the following bodies and appointed by the Permanent Secretary/Director of Personnel Management, Office of the President—
 - (i) Ministry of Finance;
 - (ii) Kenya Institute of Administration;
 - (iii) Secretary to the Commission for Higher Education;
 - (iv) Ministry of Education, Science and Technology;
 - (v) Executive Director of Association of Professional Societies in East Africa;
 - (vi) Executive Director of the Kenya Institute of Management;
 - (vii) Executive Director of the Kenya Institute of Policy Research and Analysis;
- (d) not more than three persons co-opted by the Board; and

- (e) the Director appointed under paragraph 16, who shall be the Secretary to the Board.

[L.N. 116/2003, o. 2.]

6. Tenure of office of Governors

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

(2) The governors shall be eligible for re-appointment for a further term of three years.

7. Vacancies on the Board

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

(2) Any governor who is absent from all meetings of the Board for a period of one year, or who is incapacitated by prolonged physical or mental illness or who is adjudicated bankrupt, or who communicates in writing to the Board his desire to resign, shall thereupon cease to be a governor.

(3) Any governor may appoint a representative to represent him or her at any meeting of the Board which any governor is unable to attend and such representative shall be entitled to vote and take part in the proceedings of the Board.

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

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

(6) The Board may invite persons who are not members of the Board to attend any meeting thereof, but such persons shall not be entitled to vote on any matter, or except so far as the Chairman shall allow, to take part in the proceedings of the Board.

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

8. Certain members may appoint representatives

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

- (a) the Minister for Education, Science and Technology;
- (b) the Minister for Trade and Industry;
- (c) the Minister for Tourism and Information;
- (d) the Minister for Labour and Human Resource Development; and
- (e) the Minister of State for Public Service.

PART III – COMMITTEE AND PANELS

9. Executive Committee

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

(2) The executive committee may consider any matter vested to it by the Board pursuant to paragraph (1) and for the purpose of submitting a report with recommendations to the next subsequent meeting of the Board.

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

[Subsidiary]

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

(5) The Chairman of the Board shall be an *ex officio* member of the executive committee.

(6) The executive committee shall appoint its own chairman and establish its own rules of procedure.

10. Interest in property

Except in special circumstances, and with the prior approval, in writing, of the Directorate of Personnel Management, Office of the President, no governor shall acquire, or hold any interest in any property belonging to the Centre, or receive any remuneration or be interested in any contract in which the Centre is concerned.

11. Governor not personally liable

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

12. Meetings and procedures

(1) The Board shall hold at least four ordinary meetings in each year. However, a special meeting may be summoned by the Chairman or at the written request of any three governors provided that a two weeks' notice shall be given to the other governors of any meeting and of the matters to be discussed thereat.

(2) The quorum of the Board shall be seven governors and every matter before the Board shall be determined by a majority of the governors present and voting thereon.

(3) In the absence of the Chairman from any meeting of the Board, the governors present shall elect one of the governors to be chairman of the meeting.

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

(5) The members of the executive committee shall be appointed annually and shall be eligible for re-appointment upon retirement.

13. Other committees

Without prejudice to the provision of paragraph 9, the Board may, from time to time, appoint any committee for any special purpose connected with the Centre and may vest in such committee such powers, other than the power to appoint a Director and the power to approve estimates of expenditure of the Board and the Board may impose on such committee rules of procedure as the Board may decide and the members of that committee may include, but shall not exclusively consist of persons who are not governors.

14. Advisory Panels

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

(2) The functions of an Advisory Panel shall be to advise the Director on—

- (a) the organization of courses in a department or section of the Centre;
- (b) the examination for which trainees in a department or section should be entered;
- (c) the requirement of industry or commerce both as regards the number of trainees and character of training;
- (d) arrangements for industrial or commercial experience during training; and
- (e) any other matter relating to a department or section.

(3) The chairman of an Advisory Panel shall be appointed by the Board and may be a governor appointed under paragraph 5(1)(c).

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

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

PART IV – FUNCTIONS OF THE BOARD

15. Government of Centre

The Centre shall be governed by the Board in accordance with this Order and any other relevant agreement for the time being in force relating to the Centre.

16. Director and staff

(1) The Board shall appoint a Director of the Centre who shall be assisted by an information technology officer and a training co-ordinator and such other staff as the Board may appoint.

(2) The Director shall submit items of business for discussion by the Board and attend meetings of the Board as the Board shall determine, but shall have no vote at any meeting of the Board.

(3) The Board shall appoint, after taking into consideration the recommendations of the Director, suitable and competent staff of the Centre.

(4) The power of the Board to appoint staff shall include the power to appoint persons seconded to the service of the Board by the Government, Global Development Learning Network (G.D.L.N.) or by any other employer.

(5) The appointment and dismissal of the Director or of any member of the staff of the Centre shall be subject to the approval of the Directorate of Personnel Management.

(6) The Board may, by resolution passed by not less than two-thirds of the governors present and voting at a special meeting convened for that purpose, request D.P.M., G.D.L.N. or any other employer, as the case may be, to terminate the secondment of any person seconded to the service of the Board under subparagraph (4).

(7) No proposal to dismiss a person employed by the Board or to terminate his or her contract or request the D.P.M. or any other employer to terminate the secondment of a person seconded to the service of the Board on the ground of misconduct or grave professional default, shall be decided until the person has been given an opportunity to appear in person before the Board and the person so appearing may be accompanied by a friend.

17. Organization and curriculum

(1) Subject to the provisions of paragraph 15 and D.P.M.'s power to determine the general educational and training of the Centre, and its place in the education and training policy of Kenya, the Board shall the general direction of the conduct and curriculum of the Centre provided that nothing shall be done or resolved by the board ay any meeting of the Board which contravenes the terms of any agreement, for the time being in force, entered into by the government with respect to the Centre.

(2) All proposals and reports affecting the policy and curriculum of the Centre shall be submitted to the Board and a copy to D.P.M. at least fourteen days before the proposal and reports are considered by the Board.

18. Raising of funds and unexpended balance

(1) The Board may, with the approval of D.P.M. and subject to any restriction imposed by law, appeal to the general public for subscriptions, donations or requests for the benefit of the Centre.

(2) The Board shall pay all expenses connected with the Centre, including the salaries of the Director and other staff of the Centre.

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

[Subsidiary]

(4) The Board shall, subject to any matter prescribed under this Order, or to the approval of D.P.M., determine the scale of fees payable by or in respect of trainees at the Centre and prescribe the conditions under which fees may be remitted in whole or in part.

(5) The Board may, with the approval of D.P.M. provide bursaries or scholarships to assist in the education, training or maintenance of trainees who are undergoing courses of instruction at the Centre and prescribe the conditions under which such bursaries or scholarships may be granted or withdrawn.

(6) The Board shall be responsible for making arrangements to raise any loan which D.P.M. may, at the request of the Board, authorize the Board to raise for the purposes of the Centre and shall ensure that proper provision is made for the repayment of the loan including any interest and other charges thereon in consultation with D.P.M.

PART V – FUNCTIONS OF THE DIRECTOR

19. Management of the Centre

(1) Subject to the provision of this Order: the Director shall control the internal organization, management and discipline of the Centre, shall exercise supervision or staff, and shall be personally responsible to the Board for fostering and maintaining high standards of conduct and endeavour among the staff and trainees of the Centre.

(2) There shall be full consultations at all times between the Director, the Chairman of the Board and D.P.M. concerning the courses and training at the Centre.

20. Admission and exclusion of trainees

(1) Subject to the provisions of this Order, and any rules and regulations made thereunder, the Director shall regulate the admission and exclusion of trainees from the Centre.

(2) No trainee shall be refused admission or excluded from the Centre on any other reason other than on a reasonable ground.

(3) The Director may perform any of the functions, under this paragraph subject to the control and general direction of the Board.

(4) The exclusion of any trainee from the Centre shall be reported to D.P.M.

21. Suspension

(1) The Director shall have powers to suspend any trainee from the Centre for any cause he considers adequate, and for a period not exceeding thirty days.

(2) Before the expiry of any period of suspension, the matter shall be reported by the Director to the Board or to any committee or panel in which the powers of the Board in respect of the exclusion of trainees have been vested under paragraph 13 or 14.

22. Finance

(1) The Director shall prepare annual estimates of revenue and expenditure in such form and at such times as D.P.M. shall prescribe, for submission to the Board and D.P.M. for approval.

(2) The, Director may incur expenditure for the purposes of the Centre in accordance with estimates, which have been approved by the D.P.M. and the Board:

Provided that the approved estimates may not be exceeded without the prior approval of D.P.M. in writing.

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

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

(5) *Expenditure*.—The Director shall control the day-to-day expenditure connected with the running of the affairs of the Centre, and shall present an account of such expenditure to the Board as and when required by the Board.

(6) The Director shall furnish to D.P.M. with a certified copy of the audited annual statement of accounts of the Centre and such other information about the revenue, expenditure, assets and liabilities of the Centre as the D.P.M. may, from time to time, require.

PART VI – GENERAL

23. Vesting of property in Board and custody of Seal

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

Provided no property of the Centre shall be sold without prior approval of D.P.M.

(2) The common seal of the Board shall be in the custody of the Secretary of the Board and shall be authenticated by the signature of the Chairman of the Board or such other Governor as the Board may, by resolution, appoint.

24. D.P.M. to determine validity, etc

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

**EDUCATION (BOARD OF GOVERNORS) (CENTRE FOR MATHEMATICS,
SCIENCE AND TECHNOLOGY EDUCATION IN AFRICA) ORDER, 2006**

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4. Membership of the Board.
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7. Alternate members.
8. Interest in Centre Property.
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10. Finance and General purposes committee.

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11. Board to govern according to certain laws.
12. Appointment of non-teaching staff.
13. Staff seconded to by the Centre.
14. Dismissal of Staff.
15. General directions of the Centre.
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PART V – MEETINGS OF THE BOARD

17. Meetings and Procedure.

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18. Estimates.
19. Expenditure.
20. Accounts.
21. Income.
22. Donations and bequests.
23. Surplus.
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PART VII – MISCELLANEOUS PROVISIONS

25. Vesting of Property.
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[Subsidiary]

**EDUCATION (BOARD OF GOVERNORS) (CENTRE FOR MATHEMATICS,
SCIENCE AND TECHNOLOGY EDUCATION IN AFRICA) ORDER, 2006**

[L.N. 96/2006.]

PART I – PRELIMINARY

1. Citation

This Order may be cited as the Education (Board of Governors) (Centre for Mathematics, Science and Technology Education in Africa) Order, 2006.

2. Interpretation

In this Order, except where the context otherwise requires—

“**Board**” means the Board of Governors of the Centre for Mathematics, Science and Technology Education in Africa (CEMASTEAs), established under paragraph 3;

“**Centre**” means the Centre for Mathematics, Science and Technology Education in Africa;

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

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

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

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

PART II – ESTABLISHMENT OF THE BOARD OF GOVERNORS

3. Establishment of Board

There is hereby established a board of governors to be known as the Board of Governors of the Centre for Mathematics, Science and Technology Education of Africa, which shall be a body corporate with perpetual succession and a common seal, and which may in its corporate name sue or be sued, own and dispose of property, and do all such other things or acts as may be done by a body corporate.

4. Membership of the Board

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

- (a) a chairman appointed by the Minister;
- (b) the Permanent Secretary in the Ministry responsible for matters relating to education, or his representative, who shall be an *ex officio* member of the Board;
- (c) one person nominated by each of the following bodies and appointed by the Minister—
 - (i) the Kenyatta University;
 - (ii) the Kenya Institute of Education;
 - (iii) the Kenya Education Staff Institute;
 - (iv) the Teachers Service Commission;
- (d) not more than three persons appointed by the Minister to represent other interests;
- (e) not more than three persons co-opted by the Board.

(2) The Principal shall be secretary to the Board.

(3) No member of staff of the Centre may be a member of the Board, but the Board may request any such member to be in attendance if deemed necessary for particular meetings of the Board.

(4) The Principal shall submit items of business for discussion by the Board and shall attend the meetings of the Board, except when the Board otherwise determines, but shall not be entitled to vote.

5. Tenure of office

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

(2) Members shall be eligible for re-appointment upon the expiry of the period specified under subparagraph (1).

6. Vacancies on the Board

(1) A member's seat on the Board shall become vacant when the member—

- (a) is absent from all meetings of the Board for a period of one year;
- (b) is adjudged bankrupt;
- (c) resigns by notice in writing to the Board;
- (d) becomes incapacitated by prolonged physical or other illness; or
- (d) dies.

(2) Every vacancy on the Board shall be notified at once to the appointing authority as the case requires, for the appointment of a replacement.

7. Alternate members

A member may appoint an alternate with full powers to act, vote and speak in his place at any meeting, which he is unable to attend.

8. Interest in Centre Property

No member shall acquire or hold any interest in any property belonging to the Centre, or receive any remuneration, or be interested in any contract in which the Centre is concerned.

9. Member not personally liable

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

PART III – FINANCE AND GENERAL PURPOSES COMMITTEE

10. Finance and General Purposes Committee

(1) There shall be a committee of the Board to be known as the Finance and General Purposes Committee which shall consist of the Chairman and not less than four nor more than six persons appointed by the members from among their number.

(2) The functions of the Committee shall be—

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

(3) The proceedings of any meeting of the Committee shall be reported to the Board at the following meeting of the Board for ratification and adoption.

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

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

(6) The members of the Committee shall hold their offices for the duration of their membership in the Board.

[Subsidiary]

- (7) The Committee may establish its own rules and procedures.

PART IV – FUNCTIONS OF THE BOARD

11. Board to govern according to certain laws

The Board shall govern the Centre in accordance with—

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

12. Appointment of non-teaching staff

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

13. Staff seconded to by the Centre

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

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

14. Dismissal of staff

(1) The Board shall not decide on a proposal to dismiss any person employed by the Board or to terminate his contract or to request the Minister to terminate the secondment of any person seconded for the service of the Centre on grounds of misconduct or grave professional default until the person concerned has been given an opportunity to appear in person before the Board.

(2) A person appearing before the Board under subsection (1) may be accompanied by one other person of his choice.

15. General directions of the Centre

(1) Subject to the provisions of paragraph (11) and to the Minister's power to determine the general education character of the Centre and its place in the educational system of Kenya, the Board shall have the general direction of the conduct and curriculum at the Centre:

Provided that nothing shall be done or resolved which contravenes the terms of any agreement entered into by the Government with respect to the Centre which is still in force.

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

- (3) Subject to the provisions of this Order, the Principal shall—

- (a) control the internal organization, management, and discipline at the Centre;
- (b) supervise the staff; and
- (c) be personally responsible to the Board for fostering and maintaining proper and suitable standards of conduct and behavior among the staff and students at the Centre.

(4) There shall be regular consultation between the Principal and the Education Secretary on all matters relating to education at the Centre.

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

16. Admission and exclusion of students/trainees

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

PART V – MEETINGS OF THE BOARD

17. Meetings and procedure

(1) The Board shall hold at least three ordinary meetings each year and a special meeting may be summoned by the Chairman on his own volition or at the written request of any three members of the Board:

Provided that two clear weeks' notice of any meeting and of the matters to be discussed shall be given to the members.

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

(3) The decisions of the Board shall be carried by a majority of the members present and voting, and in the case of an equality of votes the chairman shall have a second casting vote.

(4) In the absence of the Chairman at any meeting, the members present shall elect one of their number to chair that meeting, who shall for the purpose of that meeting have all the powers of the Chairman.

(5) Any meeting may be adjourned by resolution and, if a sufficient number of members to form a quorum are not present, the meeting shall stand adjourned indefinitely.

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

PART VI – FINANCIAL PROVISIONS

18. Estimates

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

19. Expenditure

The Board may incur expenditure for the purposes of the Centre in accordance with estimates approved by the Minister.

20. Accounts

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

21. Income

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

22. Donations and bequests

The Board may, with the approval of the Minister and subject to any restriction imposed by law, receive donations or bequests for the benefit of the Centre.

23. Surplus

Any surplus funds of the Centre at the end of the financial year shall be carried forward to the next financial year, and the Board may make proposals for the final disposal of the unexpected balance which shall be at the discretion of the Minister, who may take such balances into account when assessing the following year's grants to the Centre.

24. Fees

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

[Subsidiary]

PART VII – MISCELLANEOUS PROVISIONS

25. Vesting of Property

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

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

26. Custody of the common seal

(1) The Common Seal of the Institute shall be kept in such custody as the Board directs and shall not be used except upon order of the Board.

(2) All documents other than those required by law to be under seal made on behalf of the Board, and all decisions of the Board may be signified under the hand of the Chairman of the Board, the Principal, or any other member of the Board duly authorized by the Board in that behalf.

EDUCATION (KENYA EDUCATION STAFF INSTITUTE) ORDER, 2010

ARRANGEMENT OF ORDERS

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2. Interpretation.

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**EDUCATION (KENYA EDUCATION
MANAGEMENT INSTITUTE) ORDER, 2010**

[L.N. 19/2010, L.N. 163/2011.]

PART I - PRELIMINARY

1. Citation

This Order may be cited as the Education (Kenya Education Management Institute) Order, 2010.

2. Interpretation

In this Order, unless the context otherwise requires—

“**Council**” means the Council of the Institute established under paragraph 7;

“**certificate**” means a document awarded by the Institute and duly signed by the Chairperson and Director, bearing all the approved characteristics of a certificate of the Institute;

“**Director**” means the director appointed under paragraph 7;

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

[L.N. 163/2011, o. 3.]

PART II – ESTABLISHMENT AND FUNCTIONS OF THE INSTITUTE

3. Establishment

(1) There is hereby established an Institute to be known as the Kenya Education Management Institute.

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

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such things or acts which may lawfully be done by a body corporate.

(3) The Institute shall be the successor to the Institute known as the Kenya Education Staff Institute established under the Education (Kenya Education Staff Institute) Order, 1988 (L.N. 565/1988, Sub. Leg.), and existing immediately before the commencement of this Order.

[L.N. 163/2011, o. 4.]

4. Functions of Institute

The functions of the Institute shall be to—

- (a) provide, directly or in collaboration with other institutions of learning, management training, research and consultancy services in the education sector on a commercial basis to the public and private sector and to any other persons, local or foreign, who may request for such services from it;
- (b) provide training programmes, seminars and workshops and produce publications aimed at promoting managerial competence and integrity in the education sector, while utilizing diverse learning methods including open and distance learning approaches;
- (c) produce, maintain and disseminate documentation and information services and equipment relating to administrative management, technical and educational reform issues;

- (d) serve as a management advisory, consultancy and resource centre for personnel involved in educational work;
- (e) undertake research in relation to training needs assessments, quality assurance processes, training impact assessments, policy, management and emerging issues for the purpose of designing appropriate management training programs and ensuring the integrity of these programs;
- (f) provide a forum for effective collaboration between the public and private sectors and other interested parties for capacity building in the education sector;
- (g) conduct examinations and award diplomas, certificates and other awards to successful candidates;
- (h) undertake resource generative services in a cost effective manner to build self sufficiency; and
- (i) generally promote and carry on the work of a management development institute.

5. Powers of the Institute

In the performance of its functions under paragraph 4, the Institute may—

- (a) establish and maintain such campuses and departments, and institute such courses of instruction as the Council may consider appropriate;
- (b) create, develop, apply for, obtain and hold intellectual property rights and enter into agreements or arrangements for their commercial exploitation or as the Board considers appropriate;
- (c) accept gifts, grants, bequests, devices and assignments made to it and act as trustee of moneys or other property invested in it on trust;
- (d) enter into arrangements with other institutions of learning or professional organisations (whether within or outside Kenya) or with any of the Ministries that administer management training services to establish relevant capacity building programmes;
- (e) establish, manage and control residential facilities and other forms of trainee accommodation and to establish, manage and control other accommodation that the Council thinks fit; and
- (f) do any other thing which is necessary or convenient to be done in connection with or incidental to its functions.

6. Admission

Admission to the Institute shall be open to all persons who are qualified for such admission without distinction on the basis of ethnic origin, sex or creed being imposed on any person as a condition of his or her becoming or continuing to be a student at the Institute.

PART III – ESTABLISHMENT AND FUNCTIONS OF THE COUNCIL OF THE INSTITUTE

7. Membership of the Institute

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

(2) The Council shall consist of the following members—

- (a) a chairperson appointed by the Minister;
- (b) the Permanent Secretary in the Ministry for the time being responsible for education or his representative;
- (c) the Secretary of the Teachers Service Commission;
- (d) the Director of the Kenya Institute Education;
- (e) one representative appointed by the Minister from each of the following institutions respectively—

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- (i) the Kenya Association for Primary Teachers' Training Colleges;
 - (ii) the Kenya Secondary School Heads' Association;
 - (iii) the Kenya Primary School Heads' Association; and
 - (iv) The Kenya Diploma Colleges Principals' Association;
- (f) four persons, not being public servants, appointed by the Minister by virtue of their knowledge and experience in matters related to education; and
- (g) the Director of the Institute, who shall be the Secretary to the Council.

8. Functions and powers of the Council

(1) The functions and powers of the Council shall be to—

- (a) formulate, with the approval of the Minister, policies pertaining to the management and implementation of the objects of the Institute;
- (b) administer the property and funds of the Institute in such manner and for such purposes as shall best promote the interests of the Institute:

Provided that the Council shall not dispose of the immovable property of the Institute without the approval of the Minister;

- (c) receive, on behalf of the Institute, donations, endorsements, gifts, grants or other monies, and to make legitimate disbursements therefrom;
- (d) borrow, generate and raise funds for the purposes of the Institute;
- (e) appoint suitable staff of the Institute upon such terms and conditions as it may determine;
- (f) receive reports from the Director or any officer of the Institute in respect of financial and other circumstances of the Institute, and to direct any action to be taken by the Director or such officer;
- (g) establish facilities in any place (whether in or outside Kenya) for the better discharge of its functions and responsibilities under this Act; and
- (h) do or perform anything or any other act for the better carrying out of the purpose of the Institute.

(2) The Council may from time to time co-opt into its membership one or more persons to assist it in any particular matter for the time being before the Council, but such co-opted members shall not be entitled to vote on any matter.

9. Statutes

(1) In the performance of its functions under this Order, the Council shall make statutes generally for the administration of the Institute, and in particular for—

- (a) the establishment of departments of the Institute;
- (b) the requirements for the award of certificates or other awards of the Institute;
- (c) the conduct of examinations;
- (d) prescribing fees, boarding and other charges;
- (e) prescribing the terms and conditions of service, including the appointments, discipline, dismissal and retirement benefits, of the officers of the Institute; and
- (f) the procedure of meetings of the Council and the establishment, composition and terms of reference of the Committees of the Council.

(2) Statutes shall be made by a resolution of a meeting of the Council and passed by a majority of the members present and voting.

10. Payments to Council members

The Council shall pay to each of its members such remuneration and allowances, if any, as the Minister may approve.

11. Committees

The Council may, for the better performance of its functions, appoint and assign duties to such Committees, including the finance and general purpose committee, as it may consider appropriate.

12. Meetings

(1) The Council shall meet not less than four times each financial year at any time.

(2) Notwithstanding subparagraph (1), the Chairperson may upon the written request of any three members of the Council, convene a meeting of the Council after giving a notice for a period of twenty-one days.

(3) The Chairperson shall give two weeks' notice of any ordinary meetings of the Council to all members, and such notice shall provide the agenda for such meeting.

(4) The quorum of a meeting of the Council shall be one half of all members.

(5) The decisions of the Council shall be carried by a majority of the members of the Council to all members, and such notice shall provide the agenda for such meeting.

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

(7) In the absence of the Chairperson from a meeting, the members present shall elect one of their number to preside at the particular meeting.

(8) All documents made by, and all decisions of the Council shall be signed under the hand of the Chairperson or any member or officer of the Council.

13. Terms of office

(1) A member of the Council shall hold office for a term of three years, but shall be eligible for reappointment for one further term.

(2) Notwithstanding paragraph (1), a member may—

- (a) resign his office by writing under his hand addressed to the Chairperson of the Council; or
- (b) be removed by the Minister by notice in writing if he—
 - (i) has been absent from three consecutive meetings of the Council without permission of the chairman;
 - (ii) is so incapacitated by prolonged physical or mental illness as to be unable to attend to and perform his duties;
 - (iii) is an adjudged bankrupt by a court of competent jurisdiction;
 - (iv) is convicted by a Court of an offence punishable by a term of imprisonment exceeding six months; or
 - (v) is otherwise unable or unfit to discharge its functions.

14. Meetings

(1) The Council shall meet not less than four times in each financial year.

15. Director and Staff of the Institute

(1) There shall be a Director of the Institute who shall be appointed by the Minister on the advice of the Council.

(2) A person shall be qualified for appointment as Director of the Institute where such person has relevant academic and professional qualifications and proven qualifications in the management and administration of an education institution.

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

- (a) have overall responsibility for the direction, organization and administration of programs of the Institute;
- (b) be responsible for the supervision and discipline of the staff of the Institute;

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- (c) subject to the directions of the Council on matters of policy, be responsible to the Council for the administration and management of the Institute;
- (d) appoint such temporary professional and other staff as may from time to time be required by the Institute at such fee as may be approved by the Council; and
- (e) be the accounting officer of the Institute.

(4) The Director shall hold office upon such terms and for such a period as may be specified in the instrument of appointment.

(5) The Council may appoint deputy director such other staff as it may deem necessary for its functions, on such terms and conditions of service as it may determine.

16. Academic Board

(1) There shall be an academic board of the Institute which shall consist of—

- (a) the Director;
- (b) the deputy directors; and
- (c) the Heads of Departments of the Institute.

(2) The Academic Board may co-opt such other members as may be necessary for the exercise of its functions under this Order.

(3) The Director shall be the Chairperson of the Academic Board.

(4) The Academic Board shall—

- (a) establish criteria for admission of learners to the Institute;
- (b) set and review, the content and academic standard of any certificate or other award of the Institute;
- (c) set examination and award diplomas and certificates to suitably qualified students of the Institute; and
- (d) coordinate such other activities as may be undertaken by the Institute in the discharge of its functions under this Act.

17. Funds

The funds of the Institute shall comprise—

- (a) such monies as may be appropriated by Parliament for purposes of the Institute;
- (b) any monies or property which may in any manner accrue or vest in the Institute in the course of the exercise of its functions; and
- (c) all monies from any other sources provided, donated or lent to the Institute.

18. Financial year

The financial year of the Institute shall be the period of twelve months ending on the 30th June in every year.

19. Annual estimates

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

(2) The annual estimates shall make provisions for all the estimated expenditure of the Institute for the financial year concerned, and in particular shall provide for—

- (a) the payment of salaries, allowances and other charges in respect of the staff of the Institute and the members of the Council;
- (b) the payment of pensions, gratuities and other charges in respect of retirement benefits payable out of the funds of the Council;

- (c) the acquisition, maintenance, repair and replacement of the equipment and other movable property of the Institute;
- (d) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, replacement of buildings or equipment, or in respect of such other matters as the Council may deem fit.

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

(4) No expenditure shall be incurred for the purposes of the Institute except in accordance with the annual estimates approved under subparagraph (3), or in pursuance of the authorization of the Council given with prior written approval of the Minister and the Permanent Secretary to the Treasury.

20. Books and records of account

The Council shall cause to be kept proper books and records of the account of the income, expenditure and assets of the Institute.

21. Audit

The accounts of the Institute shall be audited and reported upon in accordance with the Public Act.

PART VII – MISCELLANEOUS

22. Common seal

(1) The Common seal of the Institute shall be kept in the custody of the Director or such other person as the Council may direct, and shall not be used except upon the order of the Council.

(2) The Common seal of the Institute shall be authenticated by the signature of the Chairperson and the Director.

(3) The common seal of the Institute, when affixed to any document and duly authenticated under this section, shall be judicially and officially noticed, and unless the contrary is proved, the necessary order or authorization of the Council under this section shall be deemed to have been duly given.

(4) All documents other than those required by law to be under seal made on behalf of the Council shall be signified by the hand of the Chairperson of the Council, the Director, or any other members of the Council specifically authorized by the Council in that behalf.

23. Protection of liability

No member of the Council staff of the Institute shall be personally liable for any act or default in good faith in the exercise or purported exercise of the functions of the Council.

24. Protection of name

(1) No public officer performing functions relating to registration of companies and business names shall accept for such registration any name which includes the words “Kenya Education Management Institute” unless the application for registration is accompanied by the written consent of the Council.

(2) Any person who, except with the written consent of the Council uses the words “Kenya Education Management Institute” in connection with any advertisement for any trade, business, calling or profession, commits an offence and is liable on conviction to—

- (a) imprisonment for a term not exceeding twelve months; or
- (b) a fine not exceeding thirty thousand shillings, or both:

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Provided that nothing in this section shall be construed as preventing the *bona fide* use by any person of any title consequent to the grant to him of a diploma or any other award of the Institute.

[L.N. 163/2011, o. 5.]

PART VIII – TRANSITIONAL

25. Revocation of L.N. 565/1988

(1) The Kenya Education Staff Institute Order 1988 (L.N. 565/1988, Sub. Leg.) is revoked.

(2) Notwithstanding subparagraph (1), upon the commencement of this Order—

- (a) all the right duties, obligations, assets and liabilities of the former Institute existing at the commencement of this Order shall be automatically and fully transferred to the Institute;
- (b) any reference to the former Institute in any contract or document shall, for all purposes, be deemed to be a reference to the Institute;
- (c) any person who is an employee of the former Institute is immediately before the commencement of this Order shall upon such commencement be deemed to be an employee of the Institute.

(3) The annual estimates of the former Institute for the financial year in which the appointed day occurs shall be deemed to be the annual estimates of the Institute for the remainder of that financial year.

(4) The administrative directions made by the former Institute or by the Minister which are in force immediately before the appointed day shall, on or after such day, have force as if they were directions made by the Councillor or the Minister under this Act.

(5) Any permit, license or authority of any kind issued or granted to the Institute by or under any Act continues to operate as if issued or granted to the Institute.

(6) Any donor or government funding of a continuing nature administered by the former Institute or its Council and existing immediately before the commencement of this order shall be administered by the Institute, but otherwise in accordance with the terms and conditions to which it was subject immediately before that date.

(7) All contracts, deeds, bonds, agreements, arrangements, guarantees and other instruments made or entered into by, on behalf of, or in relation to the former Institute or its Council have effect as if made or entered into by, on behalf of, or in relation to the Institute.

(8) All actions, claims, arbitrations, applications and other proceedings (including proceedings on appeal or review) pending or existing immediately before the commencement of this act by, against, or in relation to the former Institute have effect as if they were proceedings by, against, or in relation to the Institute, and may be continued and completed accordingly.

(9) Any permit, licence or authority issued or granted to the former Institute by or under any law for the time being in force shall, notwithstanding anything in this Order operate continues to operate, despite anything in this Order, in favour of the Institute in the same way and to the same extent as it operated in favour of the former Institute.

26. Assets and liabilities of College

(1) All movable and immovable property which immediately before the commencement of this Order vested in the Board of Governors of the College (now closed) shall upon such commencement vest in the Institute.

(2) Any person who is an employee of the Board of Governors of the College before the commencement of this Order shall be deemed to be employees of the Council of the Institute:

Provided that such person shall, within a period of one year from the commencement of this Order, enter into a written contract of service with the Council of the Institute, whereupon his service with the College shall be deemed to have been terminated without right to

severance pay but without prejudice to all other remuneration and benefits payable upon such termination.

(3) Any employee of the Teachers' Service Commission deployed in the College before the commencement date of this Order shall be redeployed by that Commission.

27. Interpretation of Part

"College" means the Highridge Teachers' Training College established by under the Act;

"former Institute" means the Kenya Education Staff Institute established by the Education (Kenya Education Staff Institute) Order, 1988 (now revoked).

**BASIC EDUCATION (EDUCATION STANDARDS AND
QUALITY ASSURANCE COUNCIL) REGULATIONS, 2013**

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BASIC EDUCATION (EDUCATION STANDARDS AND QUALITY ASSURANCE COUNCIL) REGULATIONS, 2013

[L.N. 11/2014.]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the Basic Education (Education Standards and Quality Assurance Council) Regulations, 2013.

2. Interpretation

In these Regulations unless the context otherwise requires—

“**Act**” means the Basic Education Act, 2013 (No. 14 of 2013);

“**Assessment**” means the process of determining the level of performance of—

- (a) a person in a particular skill or subject area; or
- (b) an institution in comparison to other institutions,

by employing minimal standards and key indicators and includes the estimation of the nature, quality or value of a person or an object;

“**Council**” means the Education Standards and Quality Assurance Council established under section 64 of the Act;

“**Council Secretary**” means the secretary to the Council appointed under regulation 7;

“**Director-General**” has the meaning assigned to it under section 2 of the Act;

“**evaluation**” means a process of determining the value or work of a program, course or other initiative, with an ultimate goal of making decisions about adopting, rejecting or reversing an innovation;

“**monitoring**” means to observe a situation for any changes which may occur overtime using a monitoring or measuring device;

“**standards**” means a level of quality or specified level of quality which once established must be maintained or improved on and be attained by persons falling below it;

“**quality assurance**” means the determination of the degree of goodness or worthiness while expressing certainty or success in education standards.

3. Object of the Regulation

The object of these Regulations is to establish and provide for the operations of the Education Standards and Quality Assurance Council.

PART II – ESTABLISHMENT OF THE EDUCATION STANDARDS AND QUALITY ASSURANCE COUNCIL

4. Establishment of the Council

(1) There is established the Council known as Education Standards and Quality Assurance Council.

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

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, borrowing, holding, charging or disposing of movable and immovable property;
- (c) borrowing money or making investments; and

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- (d) doing or performing all such things or acts necessary for proper performance of its functions under these Regulations which may be lawfully performed by a body corporate.

(3) The Council shall be the successor to the Directorate of Quality Assurance and Standards existing immediately before the commencement of these Regulations.

(4) The headquarters of the Council shall be in Nairobi with the functions devolved to the Counties and Wards.

5. Functions of the Council

(1) The functions of the Council shall be to—

- (a) ensure standards and maintain quality in institutions of basic education and in particular, to—
- (i) establish, maintain and improve institution-based quality assurance;
 - (ii) promote standardization in basic education and training;
 - (iii) ensure standards in development of the curriculum;
 - (iv) ensure standards in evaluation of the curriculum;
 - (v) carry out standards assessment of basic education institutions;
 - (vi) initiate audit of accounts in basic education and training institutions;
 - (vii) carry out research in basic education institutions to improve education standards; and
 - (viii) initiate, organise and coordinate staff training programmes for Education Standards and Quality Assurance Council officers' for capacity building.
- (b) administer policies and guidelines set for Basic Education, in particular to—
- (i) enforce guidelines and regulations for the establishment, licensing, accreditation and registration of Basic Education and training institutions;
 - (ii) recommend temporary suspension of operations of institutions of basic education and training that do not meet the minimum established standards as stipulated in the Act;
 - (iii) conduct certification of professional and academic documents;
 - (iv) prescribe staffing norms for Basic Education Institutions by working out and approving Curriculum Based establishment for schools and training institutions and advise the Ministry on the trends obtaining from the analysis;
 - (v) provide appropriate incentive for voluntary compliance with the standards and quality in Basic Education and training;
 - (vi) publish and update the public regularly on approved lists of all Basic Education Institutions and Teachers' Training Colleges;
 - (vii) appoint, promote, remunerate and discipline quality assurance and standards officers;
 - (viii) advise the Cabinet Secretary on all matters pertaining to quality education and training standards; and
 - (ix) make recommendations to appropriate authorities for necessary action;
- (c) supervise and oversee curriculum implementation and delivery, in particular to—
- (i) initiate cooperation with the government or any other body or person with a view to securing the adoption and practical application of quality and standards in basic education and training;

- (ii) oversee the vetting of books and other curriculum support materials in basic education and training and maintain a list of the approved instructional materials;
- (iii) vet expatriate and volunteer teachers, individuals, groups and organizations wishing to visit and work with basic education and training institutions;
- (d) monitor the conduct of assessment and examinations in institutions of Basic Education, in collaboration with County Education Board, in particular to—
 - (i) collaborate with Kenya National Examination Council and other examination bodies to ensure standards in curriculum evaluation;
 - (ii) monitor the conduct of national examinations in basic education institutions;
 - (iii) externally assess the Early Childhood Development Education, Primary and Diploma Teacher Education final Teaching practice for purposes of certification; and
 - (iv) monitor the application of standards in the development and administration of continuous assessment tools for basic education and training;
- (e) monitor and evaluate the standards and quality in Basic Education, in particular to—
 - (i) carry out continuous monitoring of all programmes in Basic Education;
 - (ii) provide timely feedback for decision making purposes;
 - (iii) monitor, evaluate and review policies on standards and relevance in basic education and training;
 - (iv) collect, examine and publish information related to Quality and Standards in basic education and training; and
 - (v) coordinate the management of the Council's data and statistics;
- (f) develop and implement a scheme of service for officers in the council in consultation with Salaries and Remuneration Commission and other relevant bodies;
- (g) ensure quality assurance for Education Officers in semi- autonomous government agencies and commissions offering services in basic education; and
- (h) monitor the quality of services offered in the Ministry, semi-autonomous government agencies and commissions offering services in basic education.

PART III – COMPOSITION AND MEMBERSHIP OF THE COUNCIL

6. Composition of the Council

- (1) The Council shall consist of—
 - (a) a chairperson appointed by the Cabinet Secretary;
 - (b) a Chief Executive Officer appointed by the Cabinet Secretary who shall be the Secretary to the Council;
 - (c) the Principal Secretary of the Ministry responsible for matters relating to Basic Education or representative;
 - (d) the Director of the Kenya Institute of Curriculum Development;
 - (e) the Secretary of the Teachers Service Commission;
 - (f) the Secretary of the Kenya National Examination Council;
 - (g) the Secretary of the Commission for University Education;
 - (h) not more than six other members, three of whom shall be of the opposite gender not being employees of Ministry of Education, appointed by the Cabinet Secretary in Consultation with the Board, each to represent—

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- (i) the interest of persons with disabilities;
- (ii) the teacher training institutions;
- (iii) the interest of Adult and Continuing Education;
- (iv) Parents Association;
- (v) primary and secondary heads association; and
- (vi) the office of the Attorney-General.

(2) The Council may co-opt in its membership two *ex officio* members at any one time as it may deem necessary.

7. Appointment of the Chairperson

A person shall be qualified to be appointed as the Chairperson, if the person—

- (a) holds a master's degree in education from a recognized university;
- (b) has at least fifteen years' experience in Public Service or a practitioner in a relevant profession or industry; and
- (c) satisfies the requirements of Chapter Six of the Constitution.

8. Appointment of Members of the Council

(1) A person may be appointed as a member of the Council, other than as an *ex officio* member if the person—

- (a) has a degree from a university recognised in Kenya;
- (b) has at least ten years' experience in a senior position in the public service or a practitioner in a relevant profession or industry; and
- (c) meets the requirements of Chapter Six of the Constitution.

(2) A person shall not be qualified for appointment as a member of the Council, if the person—

- (a) is state officer;
- (b) is declared to be of unsound mind;
- (c) is an undischarged bankrupt; or
- (d) found to have misused, abused a state office or public office or in any way contravened Chapter six of the Constitution satisfies the requirements of Chapter Six of the Constitution.

(3) In making appointments under this part, the Cabinet Secretary shall apply the procedure set out in the First Schedule.

9. Term of office of Chairperson and member the Council

The Chairperson and members of the Council shall hold office for a term of four years and shall be eligible for reappointment for one further term.

10. Vacation of office of the Chairperson or members of the Council

The Office of the chairperson or a member of the Council shall become vacant if the holder—

- (a) resigns from office by notice in writing to the Cabinet Secretary;
- (b) is absent from three consecutive meetings of the Council without good cause;
- (c) is convicted of a criminal offence and sentenced to imprisonment for a period exceeding six months without the option of a fine;
- (d) is adjudged bankrupt; or
- (e) is unable to perform the functions of the office due to physical or mental impairment.

11. Powers of the Council

The Council shall have all the powers necessary for the effective performance of its functions under these regulations, and in particular, but without prejudice to the generality of the foregoing; the Council shall have power to—

- (a) manage, supervise and administer the assets of Council in such manner as best promotes the purpose for which it is established;
- (b) determine the provisions to be made for capital, the recurrent expenditure and reserves for the council;
- (c) receive any grants, gifts, donations or endowments and make legitimate disbursement therefrom;
- (d) enter into association with such other bodies or organizations within or outside Kenya as the Council may consider desirable or appropriate and in furtherance of the purpose for which it is established;
- (e) offer services to any person, institution or foreign Government upon such terms as the Council may from time to time determine; and
- (f) undertake any other activity necessary for the fulfillment of its function.

12. Council Secretary to be responsible for day to day affairs of the Council

The Council Secretary shall be responsible for the day-to-day activities of the Council and shall report to the governing Council.

13. Constituting Committees and delegation of powers of the Council

The Council may—

- (a) constitute such committees as it may consider necessary for the better performance of the functions of the Council; and
- (b) by resolution either generally or in any particular case delegate to any Committee, member, officer, employee or agent of the Council, the exercise of any of the powers or the performance of any of its functions or duties.

14. Remuneration of Council members

The members of Council shall be paid such remuneration or allowances as may be determined by the Salaries and Remuneration Commission.

15. Employment of staff and engagement of consultants

The Council may employ such staff or engage such consultants or experts or approve such secondment to the Council as may be necessary for the proper performance of its functions, on such terms and conditions as may be approved by the Cabinet Secretary in consultation with the Public Service Commission and the Salaries and Remuneration Commission.

16. Deployment of staff to County and sub-county offices

The Council shall establish offices in each County and shall deploy its staff to the County and sub-County offices.

17. Appointment of the Chief Executive Officer

(1) There shall be a Chief Executive Officer of the Council who shall be appointed by the Council through a competitive, fair and open recruitment process.

(2) A person shall be qualified for appointment as a Chief Executive Officer if the person—

- (a) is a citizen of Kenya;
- (b) holds at least a postgraduate degree in education or its equivalent from a university recognized in Kenya;

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- (c) has at least ten years' experience at management level in matters related to education; and
- (d) meets the requirements of Chapter Six of the Constitution.

18. Terms of office of the Chief Executive Officer

The Chief Executive Officer shall hold office for a period of five years and shall be eligible for re-appointment for one further term.

19. Removal of the Chief Executive Officer

(1) The Chief Executive Officer may be removed from office in accordance with the terms and conditions of service for—

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct or misbehavior;
- (c) incompetence or neglect of duty;
- (d) a conviction in a court of competent jurisdiction for an offence in contravention of the tenets of Chapter Six of the Constitution; or
- (e) any other ground that would justify removal from office under the terms and conditions of service.

(2) The Chief Executive Officer shall, before being removed from office, be given not less than thirty days' notice of the allegations made against him or her and shall be afforded an opportunity to present his or her defence against the allegations to the Council.

20. Terms of office of Council members

The Chairperson and a person appointed as member of the Council shall serve for a term of four years and shall be eligible for re-appointment for one further final term.

21. Filling a vacancy

Where a vacancy occurs in the membership of the Council, the Cabinet Secretary shall, within fourteen days of the notification of the vacancy, convene a selection panel in accordance with the First Schedule for the purpose of selecting a suitable person to fill the vacancy.

PART IV – COMMITTEES OF THE COUNCIL**22. Committees of the Council**

(1) The Council may establish such committees as it may consider appropriate to perform such functions and discharge such responsibilities as it may determine.

(2) The Council Secretary shall provide secretariat services to the Committees appointed.

(3) Without prejudice to the generality of paragraph (1) the Council shall establish—

- (a) the Quality Assurance and Standards Committee;
- (b) the Finance Committee;
- (c) the Audit Committee;
- (d) the Human Resource and Integrity Committee; and
- (e) the Procurement Committee.

23. Quality Assurances and Standards Committee

(1) The Quality Assurance and Standards Committee shall comprise—

- (a) the Principal Secretary who shall be the Chairperson; and
- (b) not less than six and not more than ten members appointed by the Council to represent—
 - (i) the Director General of Education;

- (ii) the Kenya National Examination Council;
- (iii) the Kenya Institute of Curriculum Development;
- (iv) the Commission for University Education;
- (v) the Teachers Service Commission; and
- (vi) the interest of persons with disabilities.

(2) The Committee may co-opt other persons whose knowledge and experience it may find necessary for the performance of its functions to—

- (a) keep under constant review the quality and standards of education in Basic Education and training; and
- (b) oversee the quality of education programme in Basic Education.

(3) The Quality Assurance and Standards Committee may establish its own rules of procedure and shall submit the proceedings of its meetings to the Council for approval.

24. Procedures of the Council

(1) The business and affairs of the Council shall be conducted in accordance with the Second Schedule.

(2) Except as provided in the second schedule, the Council may regulate the procedures of its meetings as it may consider necessary for the performance of the functions of the Council.

PART V – FINANCIAL PROVISIONS

25. Funds of the Council

The funds of the Council shall comprise—

- (a) such sums as may be provided by Parliament;
- (b) such monies as may accrue to or vest in the Council in the course of the exercise of its powers or the performance of its functions under the Act, these Regulations or any other written law; and
- (c) all monies from any other source provided for or donated or lent to the Council.

26. Financial Year

The financial year of the Council shall be the period of twelve months ending on the thirtieth day of June in each year.

27. Annual Estimates

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

(2) The annual estimates shall make provision for all the estimated expenditure of the Council for the financial year, and in particular, the estimates shall provide for—

- (a) the payment of salaries, allowances and other charges in respect of the staff of the Council;
- (b) the payment of pensions, gratuities and other charges in respect of the staff of the Council; and
- (c) the proper maintenance of the buildings and grounds of the Council.

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

28. Book of Accounts and Audits

(1) The Council shall cause to be kept proper books of accounts of all the income and expenditure, assets and liabilities undertakings, funds, activities, contracts, transactions and other business of the Council.

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(2) The Council shall ensure that all money received is properly brought to account, all payments out of its funds are correctly made and properly authorised and that adequate control is maintained over its assets and liabilities.

(3) The accounts of the Council shall be audited in accordance with the Public Audit Act, 2003 (No. 12 of 2003).

29. Investment of Funds

(1) The Council may invest any of its funds in any securities which the Cabinet Secretary may, from to time, approve for that purpose.

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

(3) Any balance of grant may be carried forward in the accounts of the Council from one year to next and be expended as the Council may determine, or be put into a reserve account of the Council.

PART VI – GENERAL PROVISIONS

30. Common Seal

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

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

- (a) where they are required to be under seal, if sealed with the common seal of the Council and authenticated by the Chairperson and the Secretary; 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 document executed in accordance with subparagraph (2) shall be effective in law to bind the Council and its successors and may be varied or discharged in the same manner as that in which it was executed.

31. Remuneration of Council members

The members of Council shall be paid such remuneration or allowances as the Council may, with the approval of the Cabinet Secretary, determine and shall be entitled to travelling and other allowances in connection with the work of the Council.

32. Protection from personal liability

(1) Nothing done by a member of the Council or any officer, employee or agent of the Council shall, if it is done *bona fide* in execution of the functions, powers or duties of the Council, render the member, officer, employee or agent or any person acting on the directions of the Council personally liable to any action, claim or demand whatsoever.

(2) Any expenses incurred by any person in any suit or prosecution brought against him or her in any court, in respect of any act which is done or purported to be done by him or her under the direction of the Council, shall, if the court holds that such act was done *bona fide*, be paid out of the general funds of the Council, unless such expenses are recovered by him or her in such suit or prosecution.

PART VII – TRANSITIONAL PROVISIONS

33. Staff of the Council

Any person who is a member of staff or officer, of the former Directorate of Quality Assurance and Standards, immediately before the date of commencement of these Regulations shall on the date of commencement, automatically become a member of staff or officer of the Council under the terms of Service of the Council as provided for in the appointment of staff under these Regulations.

34. Assets and Records

Any asset and records of the former Directorate of Quality Assurance and Standards shall on the date of commencement of these Regulations become the property of the Council.

FIRST SCHEDULE

[Rule 22.]

PROCEDURE OF APPOINTMENT OF CHAIRPERSON OR MEMBER OF THE COUNCIL

1. Constitution of the selection panel

(1) The Cabinet Secretary shall, within fourteen days after the commencement of these Regulations and whenever it becomes necessary to appoint new members of the Council, constitute a selection panel comprising of—

- (a) one representative of the Ministry responsible for education;
- (b) one representative of the Public Service Commission;
- (c) three persons with proven business experience who meet the requirements of Chapter Six of the Constitution.

(2) The Cabinet Secretary shall—

- (a) convene the first meeting of the selection panel, at which the members of the selection panel shall elect a chairperson from among themselves; and
- (b) provide the selection panel with such facilities and other support as it may require for the discharge of its functions.

2. Functions of the selection panel

(1) The selection panel shall—

- (a) consider the applications received under subsection (3) to determine their compliance with the provisions of the Constitution, the Act and these Regulations;
- (b) short list the applicants;
- (c) publish the names of the short listed applicants and the qualified applicants in the media;
- (d) conduct interviews of the short listed persons;
- (e) shortlist three qualified applicants for the position of chairperson;
- (f) shortlist double the number of required members qualified applicants for the position of the members; and forward the names of the qualified persons to the Cabinet Secretary.

(2) The selection panel may, subject to this paragraph, determine its own procedure for the conduct of meetings and business affairs.

(3) The selection panel shall stand dissolved upon the appointment of the chairperson and members of the Council.

[Subsidiary]

SECOND SCHEDULE

[Rule 24.]

MEETINGS OF THE COUNCIL

1. Frequency of Meetings and Special Meetings

(1) The Council shall hold not less than three meetings in every financial year, and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding the provisions of subparagraph (1), the Chairperson shall upon requisition in writing by at least five members of the Council convene a special meeting at any time for the transaction of its business.

(3) The notice for a meeting for the Council shall be in writing, and shall be for a period of—

- (a) fourteen days in the case of a meeting under subparagraph (1); and
- (b) seven days in the case of a meeting under subparagraph (2).

2. Chairing of Meetings

(1) The Chairperson shall preside at every meeting of the Council at which he or she is present.

(2) In the absence of the Chairperson, the Vice-Chairperson shall chair the meeting.

(3) In the absence of both the Chairperson and the Vice-Chairperson, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.

3. Quorum of Meetings

The quorum for the conduct of business at a meeting of the Council shall be two thirds of all the members of the Council.

4. Voting

A decisions of the Council shall be a majority of the members present and voting, and in the case of an equality of votes, the person presiding at the meeting shall have a second or a casting vote.

5. Conflict of Interest and Disclosure

(1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Council and is present at a meeting of the Council at which the contract, proposed contract or other matter is the subject of consideration, the member shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Council who contravenes subparagraph (1) commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding six months, or both.

6. Rules and Procedure of Meetings

The Council shall—

- (a) determine rules for procedure of the conduct of its business; and
- (b) cause to be kept records of its procedures and decisions.

7. Delegation by the Council

The Council may, by resolution either generally or any particular case delegate to any Committee of the Council or to any member, officer, employee or agent of the Council, the exercise of any of the powers or the performance of any of its function or duties.

8. Decisions of the Council.

Unless a unanimous decision is reached, a decision on any matter before the Council shall be by a majority of the votes of the members present and voting, and in the case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

9. Council to regulate own procedure.

The Council shall regulate its own procedure.

BASIC EDUCATION REGULATIONS, 2015

[L.N. 39/2015.]

PART I — PRELIMINARY

1. Citation

These Regulations may be cited as the Basic Education Regulations, 2015.

2. Interpretation

In these Regulations, unless the context otherwise requires —

"Board" has the meaning assigned to it under the Act;

"class mode" refers to the optimum number of learners in a classroom;

"Commission" means the Teachers Service Commission;

"Director" means the County Director of Education;

"head of institution" means a teacher, head teacher, or principal appointed by the Teachers' Service Commission to head an institution and exercising delegated authority of the Cabinet Secretary, Ministry of Education as the Accounting Officer for the institution;

"institution" means an institution of basic education and training;

"institution of basic education and training" includes a pre-primary school, primary or a secondary school, an adult education institution and a middle-level college;

"KCSE" means the Kenya Certificate of Secondary Education;

"middle level college" means an institution offering pre-service and in-service teacher training courses that support basic education;

"Ministry" means the Ministry responsible for basic education;

"non-teaching staff" means all employees of the Boards of Governors who are not engaged in teaching or research;

"zone" means an education administrative area consisting of a cluster of schools identified by the County Education Board with the approval of the National Education Board.

PART II- MANAGEMENT OF BASIC EDUCATION INSTITUTIONS

*A-Registration of Institutions***3. Registration**

No person, body or organization shall establish or admit learners to a private or public institution without first obtaining written authority from the Cabinet Secretary.

4. Procedure for registration

All institutions referred to in regulation 3 shall be registered in a manner and form prescribed through guidelines issued by the Cabinet Secretary.

5. Head of Institution

(1) The day to day management of a public institution of basic education and training shall be the responsibility of the head of the institution, who shall be appointed by the Commission.

(2) The head of institution—

- (a) shall be the accounting officer of the institution, an authority delegated by the Cabinet Secretary;

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- (b) shall be the team leader for the implementation of the Ministry's policies and programs in the institution;
- (c) may initiate policy proposals for consideration by the County Education Board and the Cabinet Secretary.

(3) Where any impropriety is established on the part of a head of an institution, the Cabinet Secretary shall forthwith revoke the designation of such head of institution as the accounting officer and request the Teachers Service Commission for a replacement.

(4) Where the institution referred to paragraph (4) is a private institution, the Cabinet Secretary shall request the proprietor thereof to appoint a replacement.

(5) In paragraphs (3) and (4) above the Teachers Service Commission or the proprietor, as the case may be, shall institute disciplinary action against the concerned head of institution.

B - Boards of Management

6. Qualifications for members to the Board of Management

The minimum qualifications of the Chairmen and members of Boards of Management shall be—

- (a) in the case of—
 - (i) a pre-primary or primary school; and
 - (ii) an adult education and continuing education centre, a diploma and a KCSE certificate respectively; and
- (b) in the case of a Secondary School or a middle level college, a degree from a university recognized in Kenya, and a KCSE Certificate respectively.

7. Application for membership

(1) The head of an institution shall, whenever a vacancy occurs in the Board of management of the institution for which he or she is responsible, notify the County Education Board accordingly through the sub-county Education Board office and request for the filling of the vacancy.

(2) Upon receipt of a request under paragraph (1), the County Education Board shall in writing request the nominating entities to forward names of suitably qualified persons to be appointed as members of the Board of Management.

(3) The County Education Board shall constitute an ad hoc committee to vet the suitability of the proposed nominees, which shall consist of —

- (a) a representative of the County Director of Education who shall be the Chairperson;
- (b) the member of County Assembly responsible for the area where the institution is located;
- (c) the Member of Parliament for the area in which the institution is located;
- (d) the Chief of the area in which the institution is located;
- (e) the sponsor, if any, of the institution
- (f) a representative of the Parents Association, of the institution;
- (g) a representative of County Education Board, and
- (h) the head of institution, who shall be the committee Secretary.

8. Ad-hoc vetting panel

(1) The committee appointed under regulation 7(3) shall ensure that—

- (a) the persons nominated to the Board of Management of any institution meet the requirements of Article 10 and Chapter Six of the Constitution of Kenya, 2010; and
- (b) the composition of the Board Members adheres to the two third gender rule.

(2) A Board of Management appointed under these regulations shall remain in office for a term of three years, which shall be renewable for one further term.

9. Dissolution of the Board of Management

(1) The Cabinet Secretary may, on the recommendation of the County Education Board dissolve the Board of Management of an institution where—

- (a) such Board—
 - (i) is found guilty of gross misconduct;
 - (ii) is deemed to be incapable of discharging its mandate as provided for in the Act; or
- (b) the institution changes its mandate or ceases to operate.

(2) Where a Board of Management is dissolved under paragraph (1), the County Education Board shall appoint an interim committee of five members to assume the responsibility of management of the institution.

10. Board of Management Inaugural meeting

A newly appointed Board of Management shall hold its inaugural meeting, convened and chaired by the secretary to the County Education Board or his representative within two weeks after appointment.

11. Promotion of co-curricular activities

(1) The County Director of Education shall promote both recreational and competitive sports, games for physical development, performing and creative arts, talent shows and congresses in institutions of basic education and training by ensuring that—

- (a) all students and pupils are accorded the opportunity to participate in activities from the institutional to the national level;
- (b) every institution has or can access adequate facilities for co-curricular activities; and
- (c) every institution shall put in place measures to promote co-curricular activities and ensure that all learners shall have access to suitable affordable sports kits.

(2) The calendar for all co-curricular activities shall be drawn up by the Cabinet Secretary in consultation with the relevant national and regional bodies and associations and shall be circulated to all institutions three months before the end of each school year.

12. Contribution for activities

No institution shall cause any parent or guardian to contribute any funds for co-curricular activities without written approval from the Cabinet Secretary on the advice of the respective Country Director of Education, and all payments made hereunder shall be so authorized at all levels.

13. Institutions to facilitate training

All private institutions of basic education and training shall facilitate the participation of their learners in co-curricular activities at all levels.

14. Insufficient funds for activities

(1) Where funds from the government for a particular co-curricular activity are found to be inadequate the concerned institutions shall in writing notify the County Director of Education of the deficit three months prior to the commencement of the activity.

(2) Upon receipt of the notice, the County Director of Education in liaison with the County Education Board shall consult the Cabinet Secretary on how to meet the deficit.

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15. Offence

Any person, head of institution or any member of the Board of Management who sends away a learner due to non-payment of activity fees by the parent or guardian without written authority from the County Director of Education commits an offence under the Act.

16. Composition of the committee

Every County Director of Education shall establish a committee to manage and coordinate co-curricular activities, which shall comprise one representative of the following respectively—

- (a) the County Director of Education, who shall be the Chairperson;
- (b) the Education Standards Quality Assurance Council, who shall serve as the Secretary;
- (c) the County Director of the Teachers Service Commission;
- (d) the county government;
- (e) the heads of the respective basic education institutions within the county; and
- (f) the private schools association within the county.

17. Appointment of non-teaching staff

Every Board of Management shall, pursuant to section 59 (p) of the Act, recruit, employ, remunerate, promote, demote or terminate the services of any of its employees.

18. Terms and conditions of employment for non-teaching staff

Persons belonging to a professional cadre and employed by the Board of Management shall be employed on such terms and conditions of service similar to those recommended for equivalent posts in the Civil Service and as per the applicable scheme of service.

19. Employment of semi-professional by the Board

The Board of management may appoint suitable semi-professional and subordinate staff, on such terms and conditions as shall be determined by the Board.

20. Board to deal with claims and grievances

Where a claim or grievance arises from an employee of the Board of management, the Board shall deal with the claim or grievance exhaustively in accordance with the Employment Act, 2007 (No. 11 of 2007).

21. Dismissal and termination of employment

(1) The Board of Management shall reserve the right to dismiss any of its employees instantly and without notice or pay in lieu of notice for reasons of gross misconduct as provided in the Employment Act, 2007 (No. 11 of 2007).

(2) The Board shall not decide on a proposal to—

- (a) dismiss from employment any person employed by the Board;
- (b) terminate a contract between the Board of Management and its employees;
- (c) request the Cabinet Secretary to terminate the services of a person seconded to the Board of management,

on grounds of misconduct or grave professional default, until the person concerned has been given an opportunity to appear in person before the Board and has presented his defence.

(3) Subject to the provisions of paragraph (1) where a member of non-teaching staff is entrusted as an agent of the Cabinet Secretary to perform certain functions and such officer fails or neglects to perform the duties so assigned and sufficient grounds exist to discipline, terminate or dismiss the officer from the service, the Cabinet Secretary shall direct the cause of action to be taken against that officer and the Cabinet Secretary's decision shall be final.

*C-Learners with Special Education Needs***22. Assessment of learners with special needs**

Whenever it is necessary or appropriate to do so, a learner shall be assessed for placement and continuous support in an institution of basic education and training at the County Education Assessment and Research Centre set up at County level under section 46 of the Act.

23. Qualified personnel to assess

Assessment under regulation 22 shall be carried out with the consent of the learner's parent or guardian at the Centres referred to in that regulation by qualified personnel, including, but not limited to medical staff, educationists, special needs experts, at the request of such parent or guardian or on the initiative of the institution.

24. Types of institutions

Learners with special needs who have been assessed under regulation 22 shall be placed in any of the following facilities—

- (a) regular institutions of basic education and training;
- (b) special needs institutions of basic education and training;
- (c) regular institutions of basic education and training with special needs unit;
- (d) talent academies for gifted and talented learners;
- (e) vocational institution; and
- (f) hospital schools and home-based schooling.

25. Facilities to be suitable

The Boards of Management for all the institutions specified in regulation 24 shall ensure *inter alia* that—

- (a) the institution provides reasonable accommodation to all learners;
- (b) the pace of instruction is commensurate with learners' physical, mental or intellectual abilities;
- (c) catch-up classes or waivers are facilitated in specific subject areas, and
- (d) all learners are provided with adequate appropriate instructional materials.

26. Curriculum

The Kenya Institute of Curriculum Development shall provide differentiated curricula appropriate for the needs of learners with special needs.

27. Auxiliary services

All learners with special needs shall be entitled to auxiliary services or assistive devices placed in their respective institutions.

28. Evaluation of learners

All learners with special needs shall be evaluated and issued with appropriate certificates of achievement in the prescribed course undertaken.

29. Borstal institutions etc.

Notwithstanding anything under these regulations learners of school going age residing in children's homes, borstal institutions or other corrective facilities shall be provided with basic education and training pursuant to Article 53, 54, 55 and 56 of the Constitution.

[Subsidiary]

PART III — SCHOOL RULES, DISCIPLINE
PROCEDURES FOR STUDENTS AND EXCLUSION

30. School rules to be subjected to public participation

Every institution of basic education shall develop school rules which shall be subjected to public participation and which shall not be inconsistent with the Act, or any other relevant written law.

31. School rules to be approved by the Board of Management

No institution shall implement the rules referred to in regulation 30 until they have been approved by the Board of Management of the institution.

32. Individual liability for indiscipline

A learner shall be deemed to be individually disciplined if involved in —

- (a) physical fights;
- (b) bullying of other learners;
- (c) stealing;
- (d) playing truancy;
- (e) cheating in examinations;
- (f) abusing teachers or other persons in authority;
- (g) defiance of lawful instructions;
- (h) drug trafficking or substance abuse; or
- (i) any other conduct categorized as indiscipline by the Board of Management.

33. Mass indiscipline

Learners shall be deemed to have participated in mass indiscipline in the institution if they jointly take part in—

- (a) unlawful demonstration;
- (b) boycott of classes or meals;
- (c) the destruction of school property; or
- (d) invasion of other institutions, shopping centres or homesteads.

34. Notice to close institution in case of impending strike

(1) If the head of the institution notices any of the activities described in regulation 33 among the students, which in his or her opinion may result in the disruption of general activities in the institution, he or she shall close the institution and notify the County Director of Education accordingly within twenty four hours after such closure.

(2) The notice under paragraph (1) shall bear the signature of the head of the institution.

(3) The notice given under paragraph (1) shall only be deemed to be valid if it is signed by the head of the institution.

35. Closure in case of mass indiscipline

(1) In cases of mass indiscipline, the Board of Management of an institution may declare the institution closed and students held back from attending school for a period not exceeding two weeks.

(2) The Board of Management shall submit a report to the County Education Board within two days after the closure of an institution under paragraph (1).

36. Action of the Board on receiving a report

(1) The County Education Board may after considering the report of the Board of Management under regulation 35, and after holding such inquiry as it may deem necessary to determine the cause of the mass indiscipline—

- (a) confirm or terminate the closure of the institution;
- (b) determine the condition under which all or any of the students are to be re-admitted to the same or any other institution; or
- (c) order placement to a correctional facility.

(2) In cases of damage or destruction of property, the management of the institution shall invite a registered loss assessor following the relevant law to determine the value of the loss.

(3) The loss assessed under paragraph (2) shall be borne by the person found to bear the highest responsibility for the mass indiscipline.

37. Register to be kept

Every institution shall establish and keep a register of indisciplined learners indicating the name, class, category of indiscipline, date and warning or any other corrective measures taken by the institution.

38. Suspension letter

If the head of the institution is of the opinion that—

- (a) the acts of indiscipline have persisted in spite of the warnings or corrective measures taken under these regulations; and
- (b) if the act of indiscipline is likely to threaten the safety of the other learners in the institution,

the head of the institution shall issue the learner, with a suspension letter addressed to the parent or guardian indicating the nature of the indiscipline and specifying the date the learner, accompanied by the parent or guardian is required to appear before the Board of Management of the institution.

39. Procedure for handling disciplinary cases

(1) The particulars of the complaint preferred against the learner shall be read out to the parent or guardian and the learner at the meeting with the Board of Management under regulation 38, and the learner shall be asked to defend himself or herself.

(2) Where the parent or guardian fails to appear, the business of the Board shall be adjourned, and the matter shall be deferred and a new date set and communicated for the parties to appear.

(3) Where the parent or guardian fails to attend on the rescheduled date, the case shall be heard and determined such absence notwithstanding.

(4) In all disciplinary proceedings affecting a learner the attendance of the Sub-county Education Officer shall be mandatory.

(5) The recommendations of the Board of Management shall within two days be communicated to the County Director or Education.

40. Exclusion of learner from the institution in case of indiscipline

Where the County Director of Education receives the recommendation of the Board of Management then he or she shall seek the advice of the County Education Board as to whether to—

- (a) order for conditional or unconditional re-admission of the learner;
- (b) transfer the learner to an alternative institution; or
- (c) transfer the learner to a corrective center in the context of education.

41. Appeals to the Tribunal

Any Person aggrieved by a decision under regulation 40 may appeal to the Education Appeals Tribunal.

[Subsidiary]

42. No withdrawal of learner's candidature

No school shall withdraw the registration of a learner as a candidate in a national examination as a form of punishment.

43. Transfer of learner

A student shall only be transferred by the County Director of Education on the following grounds—

- (a) transfer on request in writing by the parent or guardian;
- (b) on medical grounds; or
- (c) as a result of insecurity or natural calamity.

PART IV — FREE AND COMPULSORY EDUCATION**44. Fees**

No public school or institution shall issue alternative fees structures other than those approved by the Cabinet Secretary.

45. No fees increment without the authority of the Cabinet Secretary

No person or Board of Management in a public institution of basic education and training shall alter or increase fees without written authority from the Cabinet Secretary.

46. Offence

The members of the Board of Management of an institution which contravenes regulation 44 or 45 shall jointly and severally be guilty of an offence under the Act.

47. Minimum entry

- (1) The minimum age for admission into a primary school shall be six years.
- (2) Notwithstanding paragraph (1), no person shall deny any learner of school-going age admission in a primary school for lack of proof of age.

48. Transit of a learner

A learner transiting from a pre-primary school to a public primary school of a parent's or guardian's choice shall not be subjected to—

- (a) entry examination except as provided for in section 34(4) of the Act;
- (b) any interview; or
- (c) admission fee.

49. Qualification of teachers

All persons deployed to teach in basic education institutions of learning and training shall be required to have undertaken a training program approved or recognized by the Cabinet Secretary and registered by Teachers Service Commission.

50. Mandatory provision in institutions

(1) A person, body, organ or institution responsible for the management of a pre-primary, primary or secondary school shall have provision for the following—

- (a) a first aid kit for each class and training on the use thereof for the whole school community;
- (b) adequate safe and clean water;
- (c) adequate, safe, clean and appropriate sanitation facilities which are age and gender appropriate;
- (d) disability-friendly facilities and environment;
- (e) safe and appropriate playing grounds and equipment;
- (f) spacious and conducive learning rooms; and

- (g) appropriate furniture and utilities.
- (2) All boarding institutions shall have provisions for—
 - (a) a qualified nurse;
 - (b) a watchman; and
 - (c) other suitable adult supervision within the boarding facilities.

51. Curriculum development

The Kenya Institute of Curriculum Development shall develop—

- (a) a national basic education curricular in line with the Kenya Institute of Curriculum Development Act, 2013 (No. 4 of 2013); and
- (b) curricula for learners with special needs.

52. Accreditation of other agencies

The Kenya Institute of Curriculum Development may accredit any other agency involved in curriculum development with the approval of the Cabinet Secretary in line with the Kenya Institute of Curriculum Development Act, 2013 (No. 4 of 2013).

53. Policy making

The Cabinet Secretary shall retain the policy-making and oversight role in the preparation and approval of curriculum and vetting of all educational materials to be used in institutions.

54. Curricula to be approved by the Kenya Institute of curriculum development

(1) The Board of Management of a public institution or the manager of a private institution, as the case may be, shall ensure that the curriculum and the instructional materials in use therein have been developed or approved by the Kenya Institute of Curriculum Development.

(2) Any person who contravenes the provisions of paragraph (1) commits an offence and shall be liable to prosecution under the provisions of the Kenya Institute of Curriculum Development Act, 2013 (No. 4 of 2013) and any other written law.

55. Supplementary textbooks

Notwithstanding regulation 54 an institution may in consultation with its Parents Teachers Association or Parents Association, recommend supplementary instructional materials for use by the learners.

56. Conduct of school-based assessment

There shall be continuous assessment of the learners' progress in the following assessment areas—

- (a) character; and
- (b) co-curricular activities and performing arts.

57. Guidelines on course books

(1) The Cabinet Secretary shall issue guidelines on course books to be used in public primary and secondary schools from time to time.

(2) All schools shall establish and maintain a safe and secure room for storage of instructional materials.

(3) Any person found in possession of instructional materials bearing the official stamp of any institution without due authority from the management of the institution commits an offence.

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58. Admission of a learner

(1) A learner admitted into an institution of basic education and training shall be entitled to progress to the next level unhindered except—

- (a) on the recommendation of a qualified medical practitioner; or
- (b) due to non-attendance of the relevant programme for one academic year.

(2) All learners who have undertaken a full course of primary education shall be eligible for admission to a secondary school regardless of their scores in the summative evaluation of the primary education.

(3) No school or any institution of basic education shall compel a parent or guardian to transfer a learner to a different institution without written approval of the County Director of Education.

59. Progression of learner

A learner progressing from a primary school to a public secondary school of his or her choice shall not be subjected to any interviews, pre-qualification examinations or be required to make any payments before admission.

60. Learners living in difficult circumstances

The County Director of Education in consultation with the County Education Board shall institute affirmative action to enable learners from minority or marginalized groups, or groups with special needs or those living in especially difficult circumstances to be admitted to secondary schools.

61. Bio-data of learners

Every institution shall maintain the following data on every learner—

- (a) the name and date of birth;
- (b) the name and contact information of the learner's parent or guardian; and
- (c) medical history and other special needs.

62. Information on parents

Every institution shall maintain the following information on the parent or guardians of the learners—

- (a) full name, nationality and place of residence;
- (b) occupation; and
- (c) two telephone contacts.

63. Registers and records

Every institution shall establish and maintain the following registers and records in both hard and soft copies—

- (a) the registration certificate of the institution;
- (b) the institutions' books of accounts;
- (c) registers of the institutions' movable and immovable assets;
- (d) admissions registers, indicating the date and admission number of the learners;
- (e) parents register;
- (f) visitors books;
- (g) daily attendance registers for learners;
- (h) learners progress reports;
- (i) register of learners' transfers, drop-out and completion;
- (j) the school title deed or land allotment letter or a copy thereof if the title is held by the sponsor, proprietor or trustee;

- (k) register of disciplinary action taken against learners;
- (l) an inventory of all instructional materials, stationery, equipment and assistive devices available and their state of repair or use;
- (m) syllabi;
- (n) an approved list of text books and other instructional material; and
- (o) any other records recommended by the Education Standards Quality Assurance Council.

64. Facilities in institutions

Every institution of basic education and training shall have provisions for the following—

- (a) outdoor playing facilities and equipment, both for outdoors and indoors with provisions for persons with disabilities;
- (b) administrative offices;
- (c) sanitary facilities, including bathrooms for both learners and other persons, segregated by gender and age;
- (d) kitchen and dining room;
- (e) standard classrooms measuring 7m x 8m for 50 learners for primary school or 45 learners for secondary schools or standard classrooms measuring 7m x 6m for 25 learners for pre-primary learners;
- (f) store rooms; and
- (g) a science room or other rooms for specialized subjects.

65. Guidance programs

(1) All institutions shall provide—

- (a) guidance services to all learners, distinct from counseling services;
- (b) counselling services as an essential corrective measure; and
- (c) spiritual development services focusing on moral values and character formation of the learners.

(2) Any person offering professional counselling services to institutions shall be duly qualified and registered as a counselor under the appropriate law, and approved by the Cabinet Secretary.

66. Report on shortfall of teaching staff

It shall be the responsibility of the Board of Management to make a report to the Teachers Service Commission and the County Education Board on matters related to staffing levels.

67. Uniform

(1) Every Board of Management of a public institution or manager of a private institution shall, in consultation with the respective Parents Association, develop a common dress code for learner, which shall have unique features for identification and branding.

(2) In the case of a sponsored school the concerned Board of Management shall develop the dress code in consultation with the Parents' Association and the sponsor.

(3) No institution shall prescribe a specific supplier of school uniforms or any other materials for the parent or guardian.

PART V — ALTERNATIVE PROVISIONS OF BASIC EDUCATION, TRAINING AND CONTINUING ADULT EDUCATION

68. Institutions of alternative basic and continuing adult education

Institutions of Alternative Basic Education, Training and Continuing Adult Education may utilize facilities of the existing institutions of basic education or other public and private institutions or premises on request.

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69. Grants

Learners under the age of eighteen in institutions to which this Part applies shall be eligible for capitation grants under the free and compulsory education programme.

70. Curriculum Institutions of alternative basic and continuing adult education

Only curricula approved by the Kenya Institute of Curriculum Development shall be offered by all institutions of Alternative Basic, Adult and Continuing Education.

71. Learners above the age of eighteen years

Learners above the age of eighteen years shall only be admitted into the institutions of alternative basic, adult and continuing education.

72. Placement at an appropriate level of education

While admitting learners to institutions of alternative basic, adult and continuing education, the institution shall use the learner's prior ability, knowledge and competencies in determining placement at an appropriate level of education.

73. Conduct of program

Institutions of alternative basic, adult and continuing education shall conduct their programs through accelerated and self-directed learning to cover the prescribed curriculum.

74. Levies to be charged

Public institutions of alternative basic, adult and continuing education may charge such levies as may be approved by the Cabinet Secretary in consultation with the County Education Board.

75. Infrastructure grant

Institutions of alternative basic adult and continuing education shall be provided with grants for infrastructure improvement by the national government through the relevant Ministries.

76. Middle level institution

A middle level institution of basic education shall include an institution offering pre-service and in-service teacher training courses that support basic education.

77. Registered middle level institution

No institution registered as a public middle level institution of basic education and training shall be transferred or converted to any other use other than that for which it was registered or established, except with the approval of the Cabinet Secretary.

78. Curriculum in middle level institution

(1) All private middle level institutions of basic education and training shall only offer courses or programs whose curriculum is developed or approved by the Kenya Institute of Curriculum Development or by any agencies recognized by the Cabinet Secretary.

(2) Certification of the courses referred to under paragraph (1) or programs shall be the responsibility of Kenya National Examinations Council or any other body recognized by the Cabinet Secretary.

PART VII — CATEGORIZATION OF INSTITUTIONS
OF BASIC EDUCATION AND TRAINING

79. Classification of institutions

The institutions categorized as provided for under section 43 (1) of the Act shall be registered with reference to—

- (a) the gender of learners admitted;
- (b) the catchment area of the school as either national, extra county, county or sub-county;
- (c) boarding or day school;
- (d) low cost boarding school (in case of primary school); and
- (e) special needs education institutions.

80. Re-registration

No person or Board of Management shall change the status of a registered institution without re-registration.

81. Environment committee of the board of management

Matters of safety, security and hygiene in institutions of basic education and training shall be the responsibility of the Board of Management provided for under the Act.

82. Security measures

The Board of Management of an institution shall put in place reasonable measures regarding the hygiene, security and safety of learners while in and outside the institution while travelling on the institution's business.

83. Board of Management to ensure adequate security

The Board of Management of an institution shall ensure that—

- (a) all institution compound is clearly demarcated and fenced with a secure gate;
- (b) the classrooms, dormitories, offices, kitchens, toilets and other physical structures are clean, well maintained, safe and properly utilized;
- (c) the school environment is such as to nurture positive health and is conducive to learning and social development without compromising diversity or disability;
- (d) the environment is drug free;
- (e) all learners, particularly at lower levels, are conversant with road safety rules and other survival skills;
- (f) that regular fire disaster response drills are conducted in preparedness for fires and other disasters by all stakeholders;
- (g) all doors should open to the outside and windows should have no grills;
- (h) lightning arresters are installed in lightning-prone areas;
- (i) fire extinguishers and alarms are available and functional;
- (j) all institutional vehicles are in sound mechanical condition; and
- (k) in institutions with boarding facilities, the space between the beds shall be at least 1.2 metres while the corridors or pathways shall be at least 2 metres wide.

PART VIII — OFFICIAL SCHOOL HOURS

84. Official school hours

(1) The official operating hours for all day public or private institutions shall be Monday to Friday—

- (a) 8.00 a.m. to 3.30 p.m. for class hours; and
- (b) 3.30 p.m. to 4.45 p.m. for co-curriculum activities.

(2) No day institution of basic education and training shall require learners to report earlier than 7.15 a.m.

(3) Notwithstanding paragraph 84 (1), all institutions with boarding facilities shall operate 24/7 hour basis as follows—

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- (a) 8.00 a.m. to 3.30 p.m. for class hours Monday to Friday;
- (b) 3.30 p.m. to 4.45 p.m. for co-curriculum activities Monday to Friday;
- (c) 5.00 p.m. to 7.30 p.m. for self-directed activities Monday to Friday;
- (d) 7.30 p.m. to 9.30 p.m. preps Monday to Friday;
- (e) 9.30 p.m. to 6.00 a.m. bedtime Monday to Friday; and
- (f) 6.00 a.m. to 8.00 a.m. supervised routine activities.

(4) No boarding institution shall send away an unaccompanied learner later than 9.00 a.m.

(5) The latest reporting time for learners to a boarding institution shall be 5.00 p.m.

85. Revocation

The following Regulations are revoked—

- (a) The Education (Education Standards) Regulations, 1968 (L.N. 106/1968);
 - (b) The Education (Board of Governors) Order, 1969 (L.N. 17/1969);
 - (c) The Education (Board of Governors) (Administration Regulations), 1969 (L.N. 18/1969);
 - (d) The Education (Registration of Unaided Schools) Regulations, 1969 (L.N. 201/1969);
 - (e) The Education (School Discipline) Regulations, 1972 (L.N. 40/1972);
 - (f) The District Education Boards Regulations, 1973 (L N. 207/1973);
 - (g) The Education (School Committees) Regulations, 1978 (L.N. 190/1978); and
 - (h) The Education (Board of Governors) (Non-Teaching Staff) Regulations, 1993 (L.N. 262/1993).
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