

CHAPTER 19

THE PUBLIC ARCHIVES AND DOCUMENTATION SERVICE ACT

SUBSIDIARY LEGISLATION

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THE PUBLIC ARCHIVES (ADVISORY COUNCIL) REGULATIONS

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THE PUBLIC ARCHIVES (ADVISORY COUNCIL) REGULATIONS

[Legal Notice 204 of 1966, Legal Notice 39 of 1969, Legal Notice 174 of 1969, Legal Notice 177 of 1970, Act No. 2 of 1990, Legal Notice 108 of 2001]

1. Citation

These Regulations may be cited as the Public Archives (Advisory Council) Regulations.

2. Establishment of Council

There is hereby established a Council to be known as the Public Archives Advisory Council (hereinafter referred to as "the Council").

3. Membership of Council

The Council shall consist of the following members appointed by the Cabinet Secretary on the approval of the President—

- (a) a representative of the Ministry for the time being responsible for the National Archives;
- (b) a representative from the History Department of a public University;
- (c) seven members appointed to represent the interest of owners of records;
- (d) Principal Secretary, Secretary to the Cabinet and Head of the Civil Service;
- (e) the Principal Secretary for the Ministry responsible for finance; and
- (f) a lecturer from the Department of Archives and Records Management of a public university.

[L.N. 177/1970, r. 2, L.N. 108/2001, r. 2.]

4. Tenure of office of members

(1) Each appointed member of the Council shall hold office for a term of two years, unless his appointment is earlier revoked by the Cabinet Secretary, and at the end of that term shall be eligible for re-appointment.

(2) Where the Cabinet Secretary terminates an appointment, or an appointed member dies, the member appointed by the Cabinet Secretary in his place shall hold office for the unexpired residue of the period of office of the member replaced.

[L.N. 177/1970, r. 2.]

5. Chairperson and vice-chairperson and tenure of office

(1) The President, on the advice of the Cabinet Secretary, shall appoint a member of the Council to be chairperson who shall preside over all meetings of the Council, and in the event of his being incapacitated by illness, absence or other cause, the vice-chairperson shall preside.

(2) The vice-chairperson shall be elected by members of the Council from among their number.

(3) The chairperson and vice-chairperson shall hold office in accordance with the provisions of regulation 4(1).

[L.N. 177/1970, r. 2.]

6. Decisions of Council, and quorum

(1) The decision of the majority of the members present and voting at a meeting of the Council shall be deemed to be the decision of the Council.

(2) The quorum of the Council shall be the chairperson (or vice-chairperson as the case may be) and four other members.

[Subsidiary]

7. Temporary incapacity of member

If any member of the Council is temporarily incapacitated by illness, absence abroad or other cause from performing the duties of his office, the Cabinet Secretary may appoint another person to act in his place, and such person shall be deemed to be a member of the Council until the member is again able to perform those duties or ceases to hold office as a member.

8. Meetings

(1) The Council shall hold ordinary meetings not less than three times in each year, and may hold additional ordinary meetings whenever the chairperson thinks fit, and such meetings shall be convened by the chairperson, or where the chairperson is not available the vice-chairperson.

(2) The chairperson, or where the chairperson is not available the vice-chairperson, may at any time convene a special meeting of the Council, and shall in any case do so within a month of his receiving a written request signed by at least two other members.

(3) Where a meeting is convened, notice specifying the place, day and hour of the meeting shall be given to each member by being delivered at, or sent by post to, his usual place of business or residence or postal address, at least fourteen days before the date of the meeting.

9. Procedure

Subject as herein provided, the Council shall have power to regulate its own procedure.

10. Secretary

The Director shall be the secretary of the Council.

[Act No. 2 of 1990, s. 7.]

**THE PUBLIC ARCHIVES AND DOCUMENTATION
(PUBLIC ACCESS TO PUBLIC ARCHIVES) ORDER**

[Legal Notice 65 of 2002]

1. This Order may be cited as the Public Archives and Documentation (Public Access to Public Archives) Order.
2. Classified records on security in the custody of the Kenya National Archives and Documentation Service shall not be made available for public inspection until the expiry of fifty-five years, or such further periods as may be specified in a subsequent Order.