

(Legislative Supplement No. 15)

LEGAL NOTICE No. 73

THE EDUCATION ACT

(Cap. 211)

IN EXERCISE of the powers conferred by section 18 of the Education Act, the Minister for Education hereby makes the following Order:—

THE KENYA POLYTECHNIC (BOARD OF GOVERNORS)
ORDER, 1965

I—PRELIMINARY

1. This Order may be cited as the Kenya Polytechnic (Board of Governors) Order, 1965. Citation.

2. In this Order, except where the context otherwise requires— Interpretation.
 “Board” means the Board of Governors of the Kenya Polytechnic;
 “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 Kenya Polytechnic;
 “Staff” means the staff of the Kenya Polytechnic;
 “student” means any student of the Kenya Polytechnic.

II—BOARD OF GOVERNORS

3. There is hereby established a Board of Governors for the Kenya Polytechnic to be known as the Kenya Polytechnic Board of Governors which is hereby declared to be a body corporate. Establishment of Board of Governors.

4. (1) The Board shall consist of the following members— Constitution of Board of Governors.
 (a) a Chairman appointed by the Minister;
 (b) one person appointed by the Minister and nominated by each of the following bodies—
 The East African Association of Engineers.
 The Industrial and Commercial Development Corporation.
 The East African Institute of Architects.
 The Federation of Kenya Employers.
 The Kenya Federation of Labour.
 The East African Railways and Harbours Administration.
 The East African Posts and Telecommunications Administration.

The Council of University College, Nairobi.

The City Council of Nairobi.

(c) a person who is the chairman of any Advisory Panel set up under paragraph 13 of this Order, 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 or any member of the staff of the Polytechnic may be a member of 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.

Tenure of
Office of
Governors.

5. 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. Governors shall be eligible for re-appointment on retirement.

Vacancies
on Board.

6. (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 a 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.

Interest in
property.

7. 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.

Governor not
personally
liable.

8. 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.

Meetings
and
procedure.

9. (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 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) 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. 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 responsible for Works.

The Minister responsible for Labour.

The Minister responsible for Commerce and Industry.

The Director of Personnel.

III—COMMITTEE AND PANELS

11. (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.

Executive
Committee.

(2) The Executive Committee may consider any matter, other than a matter vested in the Executive Committee under subparagraph (1) of this paragraph, 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 or procedure.

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

Other
Committees.

12. Without prejudice to the provisions of paragraph 11 of this Order, 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 such 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.

Advisory
Panels.

13. (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 the organization of courses in a Department of the Polytechnic; on the examinations for which students in the Department should be entered; on the requirements of industry and commerce both as regards the numbers of students and the character of training; on arrangements for industrial or commercial experience during training; and on 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) of this Order.

(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.

IV - FUNCTIONS OF THE BOARD

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

Principal
and staff.

15. (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 of Kenya.

(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 in accordance with subparagraph (3) of this paragraph.

(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. (1) Subject to the provisions of paragraph 14 of this Order 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:

Organization
and
curriculum.

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 of Kenya 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 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.

(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.

17. (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.

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.

Suspension
of students.

18. (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 to which the powers of the Board in respect of the exclusion of students have been vested in accordance with paragraph 11 or 12 of this Order.

Finance.

19. (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 in accordance with paragraph 15 (3) of this Order shall, in the first instance, be paid by the Ministry and may, at the discretion of the Minister, be recovered from the Board.

Unexpended
balance of
grant.

(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 section 70 of the Education 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.

Fees.
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(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.

Bursaries or
scholarships.

(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.

V—PROPERTY OF THE BOARD

20. (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 Kenya 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.

Vesting of
property of
Board.

(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.

Custody of
common seal.

VI—GENERAL

21. 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.

Determination
of questions.

Made this 18th day of March 1965.

MBIYU KOINANGE,
Minister for Education.