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KENYA NATIONAL COMMISSION FOR UNESCO ACT

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NO. 5 OF 2013

KENYA NATIONAL COMMISSION FOR UNESCO ACT

[Date of assent: 14th January, 2013.]

[Date of commencement: 25th January, 2013.]

An Act of Parliament to establish the Kenya National Commission for UNESCO and for connected purposes

[Act No. 5 of 2013, Act No. 18 of 2014.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Kenya National Commission for UNESCO Act, 2013.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**Board**” means the Board of the Commission established under section 6;

“**Cabinet Secretary**” means the Cabinet Secretary for the time being responsible for matters relating to education and training;

“**Commission**” means the Kenya National Commission for UNESCO established under section 3;

“**Expert**” means a professional with specialised competence in any one of the areas of UNESCO programmes;

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

“**Programme**” means an area of competence of UNESCO;

“**Secretary-General**” means the Secretary-General of the Kenya National Commission for UNESCO appointed under section 17;

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

“**UNESCO**” means United Nations Educational Scientific and Cultural Organisation;

“**UNESCO Programmes**” means the five UNESCO areas of competence and includes Education, Natural Sciences, Social and Human Sciences, Culture, and Communication and Information.

(2) Despite subsection (1), until after the first election under the Constitution, reference in this Act to the expression “Cabinet Secretary” shall be construed to mean “Minister”.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE COMMISSION

3. Establishment of the Commission

(1) There is established a Commission to be known as the Kenya National Commission for UNESCO.

(2) The Commission 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; and
- (c) doing or performing all such other things or acts necessary for the proper performance of its functions which may lawfully be done by a body corporate.

(3) The Commission shall be the successor of the Department of the Kenya National Commission for UNESCO existing under the Ministry of Education immediately before the commencement of this Act,

(4) The headquarters of the Commission shall be in Nairobi.

4. Functions of the Commission

The functions of the Commission shall be to—

- (a) ensure permanent presence of UNESCO in Kenya;
- (b) involve in UNESCO's activities the relevant line ministries, departments, agencies, organizations and individuals dealing in UNESCO's areas of competence;
- (c) implement UNESCO activities and budgeted programs;
- (d) disseminate information and innovations on the activities of UNESCO;
- (e) foster liaison between UNESCO and State agencies and organs concerned with Education, Science, Culture, Communication and Information;
- (f) collaborate with other national commissions in UNESCO member states, UNESCO headquarters and field offices;
- (g) co-ordinate participation in international meetings on education, science, culture, and communication and information;
- (h) disseminate information on UNESCO prizes and awards to potential candidates and ensure their participation;
- (i) disseminate information on UNESCO fellowships and study grants to potential applicants and facilitate their participation;
- (j) co-ordinate ratification of UNESCO related conventions and protocols;
- (k) co-ordinate capacity building in education, science, culture and communication;
- (l) participate in the formulation of UNESCO's programmes and activities;
- (m) participate in mobilization of resources for implementation of UNESCO programmes and activities; and
- (n) provide expert advisory service to the government in education, science, culture, and communication and information.

5. Powers of the Commission

(1) The Commission shall have all powers generally for the performance of its functions under this Act and any other written law.

(2) Without prejudice to the generality of subsection (1), the Commission shall have the power to—

- (a) receive, keep custody and disseminate intellectual information in UNESCO areas of competence;

- (b) disseminate information on and recommend candidates for UNESCO prizes, awards, fellowships and study grants;
- (c) recommend experts to participate in various international forums;
- (d) enter into arrangements with institutions, professional organizations, and individuals dealing in UNESCO areas of competence within or outside Kenya; and
- (e) mobilize and receive funds for programmes implementation.

PART III – THE BOARD OF THE COMMISSION

6. Establishment of the Board

(1) There shall be a Board of the Commission which shall consist of—

- (a) a chairperson who shall be appointed by the President;
- (b) the Principal Secretary responsible for education and training;
- (c) the Principal Secretary responsible for culture;
- (d) the Principal Secretary responsible for gender, youth, children and social development;
- (e) the Principal Secretary responsible for information and technology;
- (f) the Principal Secretary to the Treasury;
- (g) three members comprising representatives of the organizations specified in the First Schedule and appointed by the Cabinet Secretary from amongst three persons nominated by the organizations.

(2) The membership of the Board shall be such as to ensure that not more than two-thirds will be of the same gender and reflects the regional and ethnic diversity of the people of Kenya.

(3) The Secretary-General of the Commission shall be the Secretary to the Board.

(4) The members referred to in subsections (1)(b), (c), (d), (e) and (f) may, in writing, designate a senior officer, not below the level of a Deputy Secretary, to represent them in the Board.

7. Qualifications for appointment

(1) A person shall be qualified for appointment as the chairperson or member of the Board if the person-

- (a) in the case of the chairperson, holds a masters degree from a recognized university and at least ten years experience in matters related to education, science, culture, or communication and information; and
- (b) in the case of a member, except a member referred to under section 6(2)(b), (c), (d), (e) and (f) holds a degree from a university recognized in Kenya.

(2) In addition to the qualifications specified under subsection (1) a member of the Board specified under section 6(2)(g) shall have experience of at least ten years in matters relating to any of the following fields—

- (a) education;
- (b) science, technology and innovation;
- (c) economics or finance;

- (d) culture;
- (e) communication and information;
- (f) law;
- (g) public administration; or
- (h) any other relevant field.

(3) A person is disqualified from being appointed as member of the Board if the person—

- (a) is a State officer;
- (b) is declared to be of unsound mind;
- (c) is undischarged bankrupt; or
- (d) has been found in accordance with any law to have misused or abused a public office or in any way to have contravened Chapter Six of the Constitution.

8. Procedure of appointment of the Chairperson and members of the Board

(1) Whenever a vacancy occurs in the office of the chairperson of the Board, the Cabinet Secretary shall, within fourteen days of notification of the vacancy, convene a selection panel for purpose of selecting a suitable person for appointment as chairperson of the Board.

(2) The Cabinet Secretary shall forward the names of three persons to the President for the appointment of one person to be the chairperson of the Board.

9. Vacancy in office

(1) The office of a member of the Board, other than an *ex officio* member, shall become vacant—

- (a) if the member resigns by giving notice in writing, in the case of the chairperson, to the President, and in the case of any other member, to the Cabinet Secretary, which notice shall take effect on the date specified therein, and, where no date is specified, on the date of receipt of the notice by the President or the Cabinet Secretary;
- (b) if the appointment is revoked by the President or Cabinet Secretary;
- (c) if the member—
 - (i) is adjudged bankrupt or enters into a scheme of arrangement for the benefit of his or her creditors;
 - (ii) is convicted of an offence by a court of competent jurisdiction and sentenced to imprisonment for a period exceeding six months without the option of a fine;
 - (iii) is incapacitated by reason of infirmity of body or mind;
 - (iv) is absent from three consecutive meetings of the Board without the leave of the chairperson;
 - (v) is otherwise unable or unfit to discharge the functions of the Board; or
 - (vi) dies.

(2) If the office of the chairperson or a member of the Board becomes vacant under this section, the President or the Cabinet Secretary, as the case may be, may appoint another person as a replacement of the person vacating office following the procedures specified in section 8.

10. Filling of vacancy

In case of a vacancy in the office of the chairperson or a member of the Board, the Cabinet Secretary shall—

- (a) in the case of the chairperson, forward three names of persons qualified for appointment to the President ;and
- (b) in the case of a member, appoint a replacement within thirty days.

11. Term of office of Board members

Subject to the provisions of this Act, the chairperson and members of the Board shall hold office for a term of four years and shall be eligible for re-appointment for one further and final term.

12. General powers of the Board

The Board shall have all the powers necessary for the proper performance of its functions under this Act, and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—

- (a) manage, supervise and administer the assets of the Commission in such a manner as best promotes the purpose for which the Commission is established;
- (b) determine the provisions to be made for capital, recurrent expenditure and for reserves of the Commission;
- (c) receive any grants, gifts, donations or endowments on behalf of the Commission and make legitimate disbursements therefrom;
- (d) enter into association with such other bodies or organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purpose for which the Commission is established;
- (e) open a banking account or bank accounts for the funds of the Commission;
- (f) constitute working committees for the purpose of the performance of the functions of the Commission; and
- (g) approve all project proposals developed by the Commission.

13. Committees of the Board

(1) The Commission may appoint committees of the Board—

- (a) to inquire into and advise the Board on any matter concerning the functions of the Commission, as the Board may from time to time refer to the committee; and
- (b) to exercise the powers or perform functions of the Commission, as the Board may delegate or refer to the committee.

(2) A committee appointed under subsection (1) shall consist of a chairperson and other persons, whether members of the Board or not, as the Board may determine.

(3) The Board may require a committee appointed under this section to act jointly or in co-operation with any other committee of the Commission.

14. Delegation by Board

The Board may, by resolution either generally or in any particular case delegate to any committee of the Board or to any member, officer, employee or agent of the Commission, the exercise of any of the powers or the performance of any of its functions or duties.

15. Procedures of the Board

(1) The business and affairs of the Board shall be conducted in accordance with the Second Schedule.

(2) Except as provided in the Second Schedule, the Board may regulate its own procedure.

16. Decisions of the Board

Unless a unanimous decision is reached, a decision on any matter before the Board 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.

17. Secretary-General of the Commission

(1) There shall be a Secretary-General of the Commission who shall be appointed by the Cabinet Secretary in consultation with the Board and on terms and conditions specified in the instrument of appointment.

(2) A person shall be qualified for appointment as a Secretary-General to the Commission if the person—

- (a) is a citizen of Kenya;
- (b) holds at least a masters degree from a university recognized in Kenya in UNESCO's areas of competence or related field;
- (c) has at least ten years experience at management level; and
- (d) meets the requirements of Chapter Six of the Constitution.

(3) The Secretary General shall be the Chief Executive Officer of the Commission and Secretary to the Board and shall be responsible to the Board for the day-to-day management of the affairs of the Commission including—

- (a) the day-to-day operations of the Commission;
- (b) the management of the funds of the Commission;
- (c) the administration and management of the property of the Commission; and
- (d) the supervision and control of the officers and other staff of the Commission.

18. Term of office of the Secretary-General

Subject to the provisions of this Act, the Secretary-General shall hold office for a term of five years and shall be eligible for re-appointment for further terms as may be determined by the Board.

19. Removal of Secretary-General

(1) The Secretary-General may be removed from office by the Cabinet Secretary upon recommendation of the Board 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 misbehaviour;
- (c) incompetence or neglect of duty;
- (d) violation of the Constitution; or
- (e) any other ground that would justify removal from office under the terms and conditions of service.

(2) The Secretary-General shall before being removed under subsection (1), be given—

- (a) not less than thirty days' notice of the allegations made against her or him; and
- (b) an opportunity to present a defence against the allegations raised.

PART IV – SECRETARIAT AND STAFF OF THE COMMISSION

20. Secretariat of the Commission

The Commission shall have a secretariat which shall be responsible for the day-to-day operations of the Commission and implementing the decisions of the Commission.

21. Deputy Secretary-General

(1) There shall be two Deputy Secretary-Generals to the Commission who shall be appointed by the Cabinet Secretary in consultation with the Board, on terms and conditions specified in the instrument of appointment.

(2) A Deputy Secretary-General shall, in the performance of his or her duties, be responsible to the Secretary-General.

22. Other staff of the Commission

(1) The Board may, on the advice of the Secretary-General, recruit other staff of the Commission through a competitive, fair and open process as may be necessary for the proper and efficient performance of the functions of the Commission.

(2) The staff appointed under this section shall hold office on such terms and conditions as may be determined by the Board and specified in their instruments of appointment.

(3) The Board shall regulate the manner of appointment, terms and conditions of service and the discipline of the staff appointed under this section.

23. Consultants

The Commission may, with the approval of the Cabinet Secretary, engage on contract, person who may be necessary for the purposes of carrying out specialized work for the Commission.

24. Remuneration of Consultants

There shall be paid to the consultants appointed to the Commission under section 23, such fees and allowances as the Board shall determine.

25. Establishment of Kenya Permanent Delegation to UNESCO

(1) There is established an office to be known as Kenya Permanent Delegation to UNESCO in this Act referred to as Kenya UNESCO office.

(2) The Kenya UNESCO office shall be the Permanent Delegation for the representation of Kenya at the UNESCO headquarters and shall liaise with the Kenya National Commission for UNESCO.

26. Head of Permanent Delegation to UNESCO

The Kenya UNESCO office shall be headed by an Ambassador appointed by the President on the recommendations of the Cabinet Secretary.

27. Appointment of staff to the Kenya UNESCO office

The Cabinet Secretary shall in consultation with the Board, appoint qualified persons as staff to the Kenya UNESCO office as may be necessary for the proper and efficient discharge of the functions of the Commission under this Act.

28. Deleted by Act No. 18 of 2014, Sch.

29. Deleted by Act No. 18 of 2014, Sch.

30. Deleted by Act No. 18 of 2014, Sch.

PART V – COMMISSION PROGRAMMES AND EXPERT COMMITTEES

31. Constitution of Commission Programmes and Expert Committees

(1) The Board shall constitute the following Committees—

- (a) education;
- (b) natural science;
- (c) social and human science;
- (d) culture;
- (e) communication and information; and
- (f) such other committees as it may consider appropriate for the performance of its functions.

(2) Each of the committees specified in subsection (1) shall have a programme officer who shall be the secretary to the Committee and the expert committee established under section 31.

32. Composition and functions of the Education Committee

(1) The Education Committee shall consist of not fewer than thirteen and not more than nineteen members appointed by the Board.

(2) The Director-General responsible for education will be the Chairperson of the Education Committee.

(3) The members of the Education Committee referred to in subsection (1) shall include representatives from—

- (a) the ministry responsible for education and training;
- (b) the Teachers Service Commission;
- (c) the Kenya Institute of Curriculum Development;
- (d) an institution mandated by law to train teachers for special needs education;
- (e) the schools of education in a public and a private university respectively;
- (f) the Commission for Higher Education;
- (g) Kenya Education Management Institute;

- (h) Kenya National Examinations Council;
- (i) Directorate of Basic Education;
- (j) Directorate of Adult and Continuing Education;
- (k) Directorate of Quality Assurance;
- (l) not more than four co-opted members from Government ministries that deal with education and training.

(4) The functions of the Education Committee shall be to—

- (a) implement education programmes and activities in accordance with UNESCO requirements;
- (b) co-ordinate all UNESCO education programmes and activities;
- (c) implement the recommendations of the International Conferences on Education;
- (d) co-ordinate development and implement approved projects proposals in education;
- (e) liaise with Ministries, State Agencies, Non-State Actors and national education institutions to advice on matters related to UNESCO Programmes on Education;
- (f) compile analyses of information on Education Research;
- (g) collect and transmit Education statistics as per UNESCO Questionnaire;
- (h) co-ordinate Education for Sustainable Development activities; and
- (i) perform any other duties as may be assigned to it by the Board.

(5) The Committee may co-opt other persons whose knowledge and experience it may find necessary for the performance of its functions.

(6) The Education Committee may establish its own rules of procedure and shall submit the proceedings of its meetings to the Board for approval.

33. Composition and functions of the Natural Science Committee

(1) The Natural Science Committee shall consist of not fewer than eleven and not more than seventeen members appointed by the Board.

(2) The Director of Government Agency responsible for Science, Technology and Innovation will be the Chair of the Natural Science Committee.

(3) The members of the Natural Science Committee referred to in subsection (1) shall include representatives from—

- (a) the State department responsible for matters relating with Science , Technology and Innovation;
- (b) the ministry responsible for forestry and wildlife;
- (c) the national council for science and technology;
- (d) the Kenya Wildlife Service;
- (e) the National Museums of Kenya;
- (f) the Kenya Marine and Fisheries Research Institute;
- (g) the Science and Technology departments in a public and a private university respectively;
- (h) the Commission for Higher Education;

- (i) not more than four co-opted members from Government ministries that deal with Science, Technology and Innovation.

(4) The functions of the Science Committee shall be to—

- (a) implement science programmes and activities in accordance with UNESCO requirements;
- (b) co-ordinate all UNESCO Science Programmes and activities;
- (c) co-ordinate development and implement approved projects in Natural Science;
- (d) liaise with Ministries, State Agencies, Non-State Actors and national science, technology and innovation institutions to advice on matters related to UNESCO Programmes on Natural Science;
- (e) compile and analysis information on natural science research;
- (f) any other duties as may be assigned by the Board.

(5) The Committee may co-opt other persons whose knowledge and experience it may find necessary for the performance of its functions.

(6) The Natural Science Committee may establish its own rules of procedure and shall submit the proceedings of its meetings to the Board for approval.

34. Composition and functions of the Social and Human Science Committee

(1) The Human and Social Science Committee shall consist of not fewer than eleven and not more than seventeen members appointed by the Board.

(2) The Director of Government Agency responsible for programmes related to Social and Human Science will be the Chair of the Social and Human Science Committee.

(3) The members of the Social and Human Science Committee referred to in subsection (1) shall include representatives from—

- (a) the ministry of responsible for youth affairs and sports;
- (b) the ministry responsible for matters relating to gender, children and social development;
- (c) the ministry responsible for Justice and Constitutional Affairs;
- (d) the departments of ethics of science, philosophy, in universities respectively;
- (e) not more than four co-opted members.

(4) The functions of the Social and Human Science Committee shall be to—

- (a) implement Social and Human Science Programmes and activities according to UNESCO requirements;
- (b) co-ordinate all UNESCO Social and Human Science Programmes and activities;
- (c) follow up of recommendations of the International Conferences on Social and Human Science;
- (d) co-ordinate development and implementation of projects proposals in Social and Human Science;
- (e) liaise with ministries, State departments, non-state actors and national institutions responsible for programmes related to social and human science to advice on matters related to UNESCO programmes on social and human science;

- (f) compile and analyze information on Social and Human science research;
- (g) perform any other duties as may be assigned by the Board.

(5) The Committee may co-opt other persons whose knowledge and experience it may find necessary for the performance of its functions.

(7) The Social and Human Science Committee may establish its own rules of procedure and shall submit the proceedings of its meetings to the Board for approval.

35. Composition and functions of the Culture Committee

(1) The Culture Committee shall consist of not fewer than eleven and not more than seventeen members appointed by the Board.

(2) The Director of Government Agency responsible for culture will be the Chair of the Culture Committee.

(3) The members of the Culture Committee referred to in subsection (1) shall include representatives from—

- (a) the National Museums of Kenya;
- (b) the Kenya Wildlife Service;
- (c) the office of the Attorney-General;
- (d) the National Book Development Council;
- (e) the Directorate of quality assurance and standards;
- (f) the national archives;
- (g) the departments of culture and languages in universities respectively; and
- (h) not more than four co-opted members from State Agencies that deal with culture.

(4) The functions of the Culture Committee shall be to—

- (a) implement cultural programmes and activities in accordance with UNESCO requirements;
- (b) co-ordinate all UNESCO cultural programmes and activities;
- (c) implement the recommendations of the international conferences on culture;
- (d) co-ordinate development and implement approved projects proposals in culture programme;
- (e) liaise with ministries, State departments, non-state actors and national institutions responsible for culture to advice on matters related to UNESCO programmes on culture;
- (f) compile and undertake an analysis of information on culture related research; and
- (g) perform any other duties as may be assigned to it by the Board.

(5) The Committee may co-opt other persons whose knowledge and experience it may find necessary for the performance of its functions.

(6) The Culture Committee may establish its own rules of procedure and shall submit the proceedings of its meetings to the Board for approval.

36. Composition and functions of the Communication and Information Committee

(1) The Communication and Information Committee shall consist of not fewer than eleven and not more than seventeen members appointed by the Board.

(2) The Information Secretary will be the Chair of the Communication and Information Committee.

(3) The members of the Communication and Information Committee referred to in subsection (1) shall include representatives from—

- (a) the Media Council of Kenya;
- (b) the National Archives;
- (c) the National Library Service;
- (d) the Kenya Institute of Mass Communication;
- (e) the departments of Communication and Information in public and private universities respectively;
- (f) Not more than four co-opted members from State Agencies that deal with Communication and Information.

(4) The functions of the Communication and Information Committee shall be to—

- (a) implement communication and information programmes and activities in accordance with UNESCO requirements;
- (b) co-ordinate all UNESCO Communication and Information Programmes and activities;
- (c) follow up of recommendations of the International Conferences on Communication and Information;
- (d) co-ordinate development and implement approved projects proposals in Communication and Information programme;
- (e) liaise with Ministries, State Agencies, Non-State Actors and national institutions responsible for Communication and Information to advice on matters related to UNESCO Programmes on Communication and Information;
- (f) compile and analyse information on Communication and Information related research; and
- (g) undertake any other duties as may be assigned to it by the Board.

(5) The Committee may co-opt other persons whose knowledge and experience it may find necessary for the performance of its functions.

(6) The Communication and Information Committee may establish its own rules of procedure and shall submit the proceedings of its meetings to the Board for approval.

37. Remuneration of Programme and Expert Committee Members

There shall be paid to the members of Programme and Expert committees appointed under this Act, such allowances as the Board shall determine.

PART VI – FINANCIAL PROVISIONS**38. Funds of the Commission.**

The funds of the Commission shall comprise—

- (a) monies allocated by Parliament for the purposes of the Commission;
- (b) such monies as may accrue to or vest in the Commission in the course of the exercise of its powers or the performance of its functions under this Act or under any other written law; and
- (c) monies from any other source provided for, donated or lent to the Commission.

39. Financial year

The financial year of the Commission shall be the period of twelve months ending on the thirtieth day of June in each year.

40. Annual estimates

(1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Commission for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Commission 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 Commission;
- (b) the payment of pensions, gratuities and other charges in respect of the staff of the Commission; and
- (c) the proper maintenance of the buildings and grounds of the Commission.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval.

41. Books of accounts and audit

(1) The Board 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 Commission.

(2) The Board shall ensure that all money received is properly brought to account, all payments out of its funds are correctly made and properly authorized and that adequate control is maintained over its assets and liabilities.

(3) The accounts of the Commission shall be audited in accordance with the Public Audit Act, 2003 (No. 12 of 2003) and any other law relating the management of public resources.

PART VII – GENERAL PROVISIONS**42. Common seal**

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

- (a) if they are required to be under seal, if sealed with the common seal of the Board and authenticated by the Chairperson or the Secretary General;
- (b) if they are not required to be under seal, if executed in that behalf by a member authorized by the Board for that purpose;

- (c) A deed, instrument, contract or other document executed in accordance with subsection (b) shall be effective in law to bind the Board and its successors and may be varied or discharged in the same manner as that in which it was executed.

43. Remuneration

The members of Board shall be paid such allowances as the Board may, in consultation with the Salaries and Remuneration Commission, determine, and shall be entitled to be paid allowances in connection with the work of the Commission.

44. Appointment of staff

(1) The Board may appoint such staff or engage such consultants and experts as may be necessary for the proper discharge of its functions under this Act.

(2) The staff appointed under subsection (1) shall serve on such terms and conditions as the Board may, in consultation with the Salaries and Remuneration Commission, determine.

45. Protection from personal liability

The chairperson, members, secretary or staff of the Commission shall not be personally liable for any act or omission done or omitted to be done in good faith in carrying out the functions of the Commission under this Act.

46. Regulations.

The Cabinet Secretary may make regulations generally for the better carrying out of the provisions of this Act.

PART VIII – TRANSITIONAL PROVISIONS**47. Transfer of assets and staff, etc.**

(1) All the rights, duties, obligations, assets and liabilities of the Kenya National Commission for UNESCO existing at the commencement of this Act shall be automatically and fully transferred to the Commission.

(2) Any reference to the any office established under the former Commission in any contract or document shall, for all purposes, be deemed to be a reference to the Agency.

(3) Any person who is an employee of the former Commission immediately before the commencement of this Act shall upon such commencement be deemed to be an employee of the Commission.

(4) The annual estimates of the former Commission for the financial year in which this Act commences shall be deemed to be the annual estimates of the Agency for the remainder of that financial year.

(5) The administrative directions made by the former Commission or by the Minister which were in force immediately before the commencement of this Act shall, have force as if they were directions made by the Agency or the Cabinet Secretary under this Act.

(6) All contracts, deeds, bonds, agreements, arrangements, guarantees and other instruments made or entered into, on behalf of shall, or in relation to the former Commission shall have effect as if made or entered into by, on behalf of, or in relation to, the Commission; and

(7) All actions, claims, arbitrations, applications and other proceedings pending or existing immediately before the commencement of this Act, by, against, or in relation to the former Commission shall have effect as if they were proceedings by, against, or in relation to the Agency, and may be continued and completed accordingly.

FIRST SCHEDULE

[Section 6(2).]

BODIES TO NOMINATE BOARD MEMBERS

1. Kenya National Examinations Board.
2. Teachers Service Commission.
3. A representative of a Public University Senate.
4. Kenya Institute of Curriculum Development.
5. Director General responsible for education and training.

SECOND SCHEDULE

[Section 15.]

MEETINGS AND PROCEDURES OF THE BOARD

1. Meetings

(1) The Board 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) The notice for a meeting of the Board shall be in writing, and shall be for a period of fourteen days, except for special meetings.

(3) The Chairperson shall preside over all meetings and in the absence of the Chairperson, by a person elected by the Board at the meeting for that purpose.

(4) The Board may invite any person to attend any of its meetings and to participate in its deliberations, but the person shall not have a vote in any decision of the Board.

2. Conflict of interest and disclosure

(1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter which 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) No member of the Board or staff shall transact any business or trade with the Commission.

3. Quorum

The quorum for the conduct of business at a meeting of the Board shall be two-thirds of all the members of the Board.

4. Voting

A decision of the Board shall be by 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 casting vote.

5. Rules of procedure and minutes

The Board shall—

- (a) determine rules of procedure for the conduct of its business; and
 - (b) cause to be kept records of minutes of its proceedings and decisions.
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