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KENYA LITERATURE BUREAU ACT

CHAPTER 209

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CHAPTER 209

KENYA LITERATURE BUREAU ACT

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CHAPTER 209

KENYA LITERATURE BUREAU ACT

[Date of assent: 30th June, 1980.]

[Date of commencement: 4th July, 1980.]

An Act of Parliament to establish the Kenya Literature Bureau

[Act No. 4 of 1980, Act No. 12 of 2012.]

1. Short title

This Act may be cited as the Kenya Literature Bureau Act.

2. Interpretation

In this Act—

“**Board**” means the Board of Management established by section 5;

“**Bureau**” means the Kenya Literature Bureau established by section 3;

“**Minister**” means the Minister for the time being responsible for matters relating to education.

[Act No. 12 of 2012, Sch.]

3. Establishment of the Bureau

(1) There is hereby established a body corporate by the name of the Kenya Literature Bureau, with perpetual succession and a common seal, which shall—

- (a) in its corporate name be capable of suing and being sued;
- (b) be capable of holding, purchasing and otherwise acquiring and disposing of any property movable or immovable for the purposes of or in the course of carrying out its functions under this Act;
- (c) do or perform all such other things or acts for the proper performance of its functions under and for the furtherance of the provisions of this Act which may lawfully be done or performed by a body corporate.

(2) The Bureau shall continue to carry out within and outside Kenya the functions previously performed by the East African Literature Bureau.

[Act No. 12 of 2012, Sch.]

4. Functions of the Bureau

The functions of the Bureau shall be—

- (a) to carry on the business of publishing, printing and distributing literary, educational, cultural and scientific books, periodicals, journals, magazines, digital and electronic materials and works of every description;
- (b) to acquire copyrights in and rights and licences over literary and other works of every description;
- (c) to promote, through appropriate Government agencies, the production of low cost adult literacy, educational, cultural and scientific literature and materials and make them available for distribution within and outside Kenya;
- (d) to promote, encourage and assist authors within and outside Kenya, through financial incentives or otherwise, to publish scholarly works;

- (e) to make available for general readership, through translation from foreign to local languages, works of interest and value to the public;
- (f) to organize competitions in respect of literary contributions suitable for publication by the Bureau and grant prizes or rewards on such terms as it may deem fit;
- (g) to co-operate with such other bodies as are engaged in publishing, printing and distribution of books, periodicals, journals and magazines;
- (h) to publish, print and sell educational materials at reasonable prices so as to make them available to schools and other educational institutions;
- (i) to do all such things as appear to be necessary, desirable or expedient for the proper discharge of its functions under this Act.

[Act No. 12 of 2012, Sch.]

5. Establishment of the Board

(1) There shall be a Board of Management for the Bureau which shall consist of—

- (a) a chairman appointed by the President;
- (b) the Permanent Secretary of the Ministry for the time being responsible for Higher Education;
- (c) the Permanent Secretary of the Ministry for the time being responsible for Finance or his representative;
- (d) the Permanent Secretary of the Ministry for the time being responsible for Social Services or his representative;
- (e) the secretary of the National Council for Science and Technology or his representative;
- (f) a representative from the University of Nairobi;
- (g) the managing director of the Bureau;
- (h) not less than four nor more than six members appointed by the Minister for a period of three years.

(2) The chairman shall hold office for a period of three years but shall be eligible for re-appointment.

(3) The chairman may at any time, by notice in writing addressed to the President, resign his office and the resignation shall have effect from such date as the President may decide.

(4) A member of the Board appointed under subsection (1)(h) may at any time, by notice in writing addressed to the Minister, resign his office and any such resignation shall have effect from such date as the Minister may decide.

(5) The Board shall hold at least four ordinary meetings each year; except that a special meeting may be convened by the chairman of his own volition or at the written request of at least three members and such meeting shall not be convened until after the expiry of fourteen days after the notice of the intention to hold the meeting has been served on every member of the Board.

(6) The quorum necessary for the transaction of any business of the Board shall be seven members; and all acts, matters or things authorized or required to

be done by the Board shall be effected by a resolution passed by a simple majority of the members present and voting at the meeting at which there is a quorum.

(7) The chairman shall have a casting as well as a deliberative vote.

(8) Subject to this section, the Board may regulate its own procedure.

(9) The members of the Board shall be paid such remuneration, fees or allowances for expenses as the Minister may in consultation with the State Corporations Advisory Committee determine; except that no remuneration, fees or allowances for expenses shall be paid to a member who is a public officer in receipt of a salary.

[Act No. 12 of 2012, Sch.]

6. Functions of the Board

The functions of the Board shall be—

- (a) to administer the property and funds of the Bureau in such a manner and for such purpose as will, in the opinion of the Board, promote the functions of the Bureau;
- (b) to approve and submit through the Minister financial estimates for the Bureau for consideration by the Treasury;
- (c) to administer the approved estimates;
- (d) to receive, on behalf of the Bureau, grants-in-aid, gifts, donations, fees, subscriptions or other monies and make disbursements therefrom;
- (e) to appoint suitable professional as well as other supporting staff of the Bureau.

7. Seal and execution of documents

(1) The common seal of the Bureau shall be kept in such custody as the Board directs and shall not be used except upon the order of the Board.

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

- (a) where they are required to be under seal, if sealed with the common seal of the Bureau and signed by the chairman and one other member of the Board; or
- (b) where they are not required to be under seal, if executed in that behalf by one member of the Board appointed by the Board for that purpose.

(3) A deed, instrument, contract or other document executed in accordance with subsection (2) shall, subject to any objection that may be taken thereto on any other ground other than that of the competence of the party executing the same on behalf of the Board, be effective in law to bind the Board and its successors thereto and may be varied or discharged in the same manner as that in which it was executed.

[Act No. 12 of 2012, Sch.]

8. The managing director and the secretary

(1) There shall be an officer of the Bureau, to be known as the managing director, who shall be responsible for the execution of the policy of the Bureau and for the control of its day-to-day business.

(2) The managing director shall be the secretary to the publishing fund management committee and shall be responsible for the submission of manuscripts suitable for publication and books for reprinting to the publishing fund management committee.

(3) The Minister shall upon such terms and conditions as he thinks proper appoint a secretary to the Bureau.

9. Committees

The Board shall establish a publishing fund management committee and may from time to time establish any other committee, whether of its members or otherwise, as it may think necessary or desirable.

10. Funds of the Bureau

The funds and resources of the Bureau shall consist of—

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

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

11. Accounts and audit

(1) The Board shall cause to be kept, and the managing director shall keep, proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of accounts in a form approved by the Minister.

(2) The accounts of the Bureau shall be audited in accordance with section 26 of the Exchequer and Audit Act (Cap. 412).

12. Annual report

(1) The Board shall, within a period of six months after the end of each financial year or within such longer period as the Minister may approve, submit to the Minister a report of the operations and activities of the Bureau during that year together with the yearly balance sheet and such other statements of account as the Minister may require; and the Board shall publish them in such manner as the Minister may specify.

(2) The Minister shall lay the Board's report and the auditor's report, together with the balance sheet and such other statements of account as he may have required, before the National Assembly as soon as practicable.

13. Protection of members of Board and staff

No act or thing done by any member of the Board or by any officer or servant of the Board shall, if the act or thing was done *bona fide* for the purposes of carrying this Act into effect, subject him personally to any liability, action, claim or demand whatsoever.

14. Exemption from stamp duty

No duty shall be chargeable under the Stamp Duty Act (Cap. 480) in respect of any instrument executed by or on behalf of or in favour of the Bureau in cases where, but for this section, the Bureau would be liable to pay such duty.

15. Regulations

The Minister may make regulations for the better carrying out of the purposes of this Act.
