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LAWS OF KENYA

**MEDICAL LABORATORY TECHNICIANS
AND TECHNOLOGISTS ACT**

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MEDICAL LABORATORY TECHNICIANS AND TECHNOLOGISTS ACT

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SCHEDULE–

PROVISIONS AS TO THE CONDUCT OF
BUSINESS AND AFFAIRS OF THE BOARD

NO. 10 OF 1999

MEDICAL LABORATORY TECHNICIANS AND TECHNOLOGISTS ACT

[Date of assent: 6th January, 2000.]

[Date of commencement: 22nd December, 2000.]

An Act of Parliament to provide for the training, registration and licensing of medical laboratory technicians and technologists, to provide for the establishment, powers and functions of the Kenya Medical Laboratory Technicians and Technologists Board, and for connected purposes

[Act No. 10 of 1999, L.N. 147/2000.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Medical Laboratory Technicians and Technologists Act, 1999.

2. Interpretation

In this Act, unless the context otherwise requires—

“**approved training institution**” means the Kenya Medical Training College or such other training institution as the Board may approve for the purposes of this Act;

“**Association**” means the Association of Kenya Medical Laboratory Scientific Officers;

“**Board**” means the Kenya Medical Laboratory Technicians and Technologists Board established by section 3;

“**College**” means the Kenya Medical Training College established by the Kenya Medical Training College Act, 1990 (No. 14 of 1990);

“**Committee**” means the Disciplinary Committee of the Board established by section 28;

“**health institution**” means a hospital, nursing home, convalescent home, maternity home, health centre, dispensary or other institution where health or medical services are rendered;

“**hospital laboratory**” means a facility in a health institution in which medical laboratory analysis and investigations are carried out;

“**laboratory technician**” and “**laboratory technologist**” mean a “medical laboratory technician” and a “medical laboratory technologist” respectively;

“**medical laboratory**” includes any facility where medical laboratory analysis and investigations are carried out and includes a hospital laboratory;

“**medical laboratory technician**” means a person holding a certificate in medical laboratory technology issued by the Kenya Medical Training College or other similar institution recognised by the Board;

“**medical laboratory technologist**” means a person holding a diploma, higher diploma or degree in medical laboratory technology issued by the Kenya Medical College or other similar institution approved by the Board;

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“**Minister**” means the Minister for the time being responsible for matters relating to health and “**Ministry**” shall be construed accordingly;

“**register**” means the register of medical laboratory technicians and technologists required to be maintained under section 16;

“**Registrar**” means the Registrar of medical laboratory technicians and technologists provided for under section 14.

PART II – THE KENYA MEDICAL LABORATORY
TECHNICIANS AND TECHNOLOGISTS BOARD

3. Establishment and incorporation of the Board

(1) There is established a Board to be known as the Kenya Medical Laboratory Technicians and Technologists Board.

(2) The Board 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 or disposing of movable and immovable property;
- (c) borrowing or lending money; and
- (d) doing or performing all such other acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

4. Headquarters

The Headquarters of the Board shall be in Nairobi.

5. Objects and functions of the Board

(1) The object and purpose for which the Board is established shall be to exercise general supervision and control over the training, business, practice and employment of laboratory technicians and technologists in Kenya and to advise the Government in relations to all aspects thereof.

(2) Without prejudice to the generality of the foregoing, the Board shall—

- (a) prescribe, in consultation with the College and such approved training institutions as the Board may deem appropriate, the courses of instruction for laboratory technicians and technologists;
- (b) consider and approve the qualifications of laboratory technicians and technologists for the purposes of registration under this Act;
- (c) approve institutions for the training of laboratory technicians and technologists;
- (d) licence and regulate the business and practice of registered laboratory technicians and technologists; and
- (e) regulate the professional conduct of registered laboratory technicians and technologists and take such disciplinary measures as may be appropriate to maintain proper professional standards.

6. Membership of the Board

(1) The Board shall consist of—

- (a) the Director of Medical Services;

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- (b) the head of the National Public Health Laboratories of the Ministry;
- (c) the Registrar;
- (d) the Director of technical training in the Ministry for the time being responsible for Education;
- (e) the medical laboratory technologist in charge of the Division of Vector-borne Diseases;
- (f) three registered laboratory technicians, two of whom shall be in private practice, to be elected by the Association;
- (g) three registered laboratory technologists, two of whom shall be in private practice, elected by the Association;
- (h) the executive chairman of the Association;
- (i) not less than three but not more than five laboratory technicians and technologists appointed by the Minister; and
- (j) not more than two other member co-opted by the Board from time to time whose knowledge and experience is deemed necessary for the better performance of its functions.

(2) The Minister shall appoint a chairman from among the members of the Board.

(3) The Board shall elect a vice-chairman from amongst its members, who shall be a laboratory technician or technologist in private practice.

7. Powers of the Board

The Board shall have all 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) control, supervise and administer the assets of the Board in such manner and for such purpose as best promotes the purpose for which the Board is established;
- (b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Board;
- (c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;
- (d) enter into association with other bodies or organisations within or outside Kenya as the Board may consider desirable for appropriate and in furtherance of the purpose for which the Board is established;
- (e) open a banking account or banking accounts for the funds of the Board; and
- (f) invest any funds of the Board not immediately required for its purposes in the manner provided in section 38.

8. Conduct of business and affairs of the Board

(1) The conduct and regulation of the business and affairs of the Board shall be as provided in the Schedule.

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

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9. Delegation by the Board

Subject to this Act, the Board may, either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Board, the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act.

10. Remuneration of Board members

The Board shall pay its members such remuneration, fees or allowances for expenses it may determine.

11. Staff of the Board

The Board may appoint such officers and other staff as are necessary for the proper discharge of its functions under this Act, upon such terms and conditions of service as the Board may determine.

12. Protection from personal liability

No matter or thing done by a member of the Board or by any officer, employee or agent thereof shall if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Board, render the member, officer, employee or agent personally liable to any action, claim or demand whatsoever.

13. Liability of Board for damages

The provisions of section 12 shall not relieve the Board of the liability to pay compensation to any person for any injury to him, his property or to any of his interests caused by the exercise of any power conferred by this Act or by the failure, whether wholly or partially, of any works.

PART III – REGISTRATION OF LABORATORY
TECHNICIANS AND TECHNOLOGISTS

14. The Registrar

The Chief Medical Laboratory Technologist in the Ministry shall be the Registrar of the Board and shall perform such duties as are prescribed by this Act.

15. Registration

(1) A person who—

- (a) has successfully attended a course of instruction for laboratory technicians or technologists prescribed by the Board pursuant to subsection (2) of section 5, at any approved training institution in Kenya; or
- (b) has attended a course of instruction for laboratory technicians or technologists recognised by the Board as equivalent to the course prescribed under subsection (2) of section 5, at any training institution outside Kenya approved by the Board; or
- (c) holds such other qualifications as the Board may prescribe; and
- (d) has completed such approved period of probation as may be prescribed by the Board,

may apply to the Board for registration under this Act.

(2) Every application under subsection (1) shall be in the prescribed form and shall be accompanied by such fee as may be prescribed.

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(3) The Board shall consider every application made under this section and shall register the applicant if satisfied that the applicant is—

- (a) duly qualified in terms of this section; and
- (b) a fit and proper person to be so registered.

(4) The Board shall register every qualified person by entering his name, address, professional qualifications and such other particulars as the Board may prescribe, in the appropriate register kept for that purpose pursuant to section 16.

(5) The Board shall, on payment of the prescribed fee, issue to every person registered under this Act, a certificate of registration in the prescribed form.

16. Registers to be kept

(1) The Registrar shall maintain—

- (a) a register of medical laboratory technicians; and
- (b) a register of medical laboratory technologists,

in such form as the Board may prescribe.

(2) The Registrar shall, not later than the 31st March in every year, cause to be published in the *Gazette*, the names and addresses of all laboratory technicians and technologists registered in the previous year.

17. Removal of names from the register

(1) The Registrar shall remove from the register—

- (a) the names of all deceased persons;
- (b) the names of all persons struck off the register under section 32;
- (c) any entries fraudulently or erroneously made.

(2) The Registrar shall cause the name and address of every person whose name is removed from the Register under this section, to be published in the *Gazette* within one month from the date of such removal.

18. Training institutions to be approved

(1) No person shall, being in charge of a training institution in Kenya—

- (a) admit persons for training with a view to qualifying for registration under this Act; or
- (b) conduct a course of training or administer the examinations prescribed for the purposes of registration under this Act; or
- (c) issue any document or statement implying that the holder thereof has undergone a course of training or passed the examinations prescribed by the Board for purposes of registration,

unless such institution is approved by the Board for that purpose in accordance with this Act.

(2) A person who contravenes any of the provisions of subsection (1) commits an offence and is liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or to both.

(3) The Board shall, in regulations, prescribe the procedure for approving training institutions for the purposes of this section.

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19. Offences relating to registration

(1) No person shall act as a laboratory technician or technologist in any health institution in Kenya unless such person is registered under this Act.

(2) A person who contravenes the provisions of subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings.

(3) No person shall, while in charge of a health institution or any medical laboratory in Kenya, employ any person as a laboratory technician or technologist who is not registered under this Act.

(4) A person who contravenes the provisions of subsection (3) commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or imprisonment for a term not exceeding five years or to both.

(5) Any person who in an application for registration, wilfully makes a false or misleading statement or utters a false certificate, commits an offence and shall be liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or to both.

PART IV – PROVISIONS RELATING TO PRIVATE PRACTICE

20. Qualification for a private practice

(1) Subject to this Act, no person shall be qualified to engage in private practice as a laboratory technician or technologist unless such person—

- (a) is a Kenya citizen;
- (b) is registered under this Act;
- (c) holds a valid practising certificate and annual licence issued under this Act;
- (d) has served as a medical laboratory technician or technologist under supervision for a period of not less than five years in a medical laboratory; and
- (e) holds such other qualification as the Board may prescribe.

(2) For the purposes of this Act, a person shall be deemed to engage in private practice if he practices as a laboratory technician or technologist—

- (a) on his own account and is entitled to receive the entire amount of all fees and charges earned for his own financial benefit; or
- (b) in partnership with others and is entitled to receive a share of the profits earned by such partnership for his own financial benefit and is liable to bear a share of any losses incurred by such partnership,

but no person shall be deemed to engage in private practice where he is employed—

- (i) by the Government or any other public body; or
- (ii) by a State corporation as defined by the State Corporations Act (Cap. 446); or
- (iii) by any person or partnership engaged in his profession where all fees and charges earned by him enure to the benefit of his employer, notwithstanding that he is engaged in his professional capacity as a laboratory technician or technologist.

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(3) A person who engages in private practice as a laboratory technician or technologist contrary to the provisions of this section commits an offence and shall be liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or to both.

21. Board to issue practising certificates and annual licences

The Board shall issue in accordance with, but subject to, this Part and any rules made under this Act, certificates and annual licences authorising the medical laboratory technicians and technologists named therein to engage in private practice.

22. Application for practising certificate

(1) An application for a practising certificate shall be made to the Registrar in duplicate, signed by the applicant, specifying his name and place of business, his registration number and the date of his registration as a medical laboratory technician or technologist.

(2) Every application under this section shall be accompanied by the prescribed fee.

(3) The Board shall, where the laboratory technician or technologist is duly registered under this Act and is not for the time being suspended from practice, within sixty days of receipt by the Board of the application, issue to the applicant a practising certificate in the prescribed form.

(4) The Registrar shall keep one copy of every application delivered to him under this section and any person may inspect the register during office hours.

23. Duration of practising certificate

(1) Every practising certificate shall bear the date of the day on which it is issued and shall have effect from that day:

Provided that a practising certificate issued the first month of any practising year shall have effect for all purposes from the beginning of that month.

(2) The practising year shall be from 1st January to 31st December:

Provided that the Board with the approval of the Minister may, by order in the *Gazette*, alter the practising year and the order may make such transitional provisions in regard to incidental matters as may be expedient.

(3) Every practising certificate shall expire at the end of the practising year in which it was issued:

Provided that, where the name of the laboratory technician or technologist is removed or struck off the register, the practising certificate, if any, shall expire forthwith.

(4) The Registrar shall enter upon the register a note of the date of issue of every practising certificate.

24. Renewal, cancellation, suspension, etc., of practising certificate

(1) A laboratory technician or technologist issued with a practising certificate may apply for the renewal of the certificate in the prescribed form at least thirty days before the date of expiry thereof.

(2) Any laboratory technician or technologist who fails to renew his practising certificate within the prescribed period shall, when applying for a renewal, be required to pay such late application fee as shall be prescribed by the Board.

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(3) The Board shall have the power to renew any practising certificate and may refuse to renew, cancel, withdraw or suspend any certificate if satisfied that the laboratory technician or technologist is guilty of professional misconduct or is in breach of any provisions of this Act or any regulations made thereunder, for a period of twelve months.

(4) Any laboratory technician or technologist aggrieved by the decision of the Board in the exercise of its powers under subsection (3) may appeal to the Minister within thirty days of the receipt of the decision and in every such case, the decision of the Minister shall be final.

25. Terms and conditions of private practice

(1) The Board shall, in regulations, prescribe the terms and conditions of the business and practice of laboratory technicians and technologists engaged in private practice.

(2) Regulations under subsection (1) shall in particular provide for—

- (a) the equipment and reagents to be provided in private medical laboratories;
- (b) the services to be rendered by laboratory technicians and technologists in private practice; and
- (c) the employment of laboratory technicians and technologists in private medical laboratories.

(3) A person who breaches any term or condition prescribed by the Board under this section commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings, or imprisonment for a term not exceeding twelve months, or to both.

PART V – DISCIPLINE

26. Disciplinary Committee

(1) There is established a Disciplinary Committee of the Board which shall consist of—

- (a) the chairman of the Association who shall be the chairman of the Committee;
- (b) one representative of the Minister who shall not be a member of the Board;
- (c) one representative of the Attorney-General;
- (d) the Registrar who shall be the secretary; and
- (e) one technician from private practice nominated by the Board, who shall not be a member of the Board.

(2) The quorum of the Committee shall be all five members.

27. Reference of matters to the Committee

If the Board has reason to believe in respect of any registered person that such person, either before or after he became registered—

- (a) has been convicted of an offence punishable by imprisonment, the commission of which in the opinion of the Board, has dishonoured him in the public estimation; or
- (b) has been guilty of negligence or professional misconduct in respect of his calling; or

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(c) has been guilty of impropriety or misconduct in respect of his calling, it may refer the matter to the Disciplinary Committee.

28. Functions of the Committee

The functions of the Committee shall be to inquire into any matter referred to it by the Board under section 29 and to make its recommendations thereon to the Board.

29. Procedure of the Committee

(1) Upon an inquiry under section 30, the laboratory technician or technologist subject to the inquiry shall be afforded an opportunity of being heard either in person or by an advocate.

(2) For the purpose of proceedings at any inquiry by the committee, the committee may administer oaths or affirmation and may, subject to any regulations made under section 42, enforce the attendance of persons as witnesses and the production of books and documents.

(3) The Committee shall, subject to any regulations made under this Act, have powers to regulate its own procedure in any disciplinary proceedings.

30. Disciplinary measures

(1) Where on the recommendations of the Committee the Board is satisfied that a laboratory technician or technologist is in breach of any of the terms or conditions prescribed by the Board under section 27, the Board may—

- (a) issue the laboratory technician or technologist with a letter of admonishment; or
- (b) suspend the registration certificate of the laboratory technician or technologist for a specified period not exceeding twelve months; or
- (c) withdraw or cancel the practising certificate, or suspend the practising certificate of the laboratory technician or technologist for a period not exceeding three months; or
- (d) impose a fine which the Board deems appropriate in the circumstance; or
- (e) remove the name of the laboratory technician or technologist from the register.

(2) The Board may be reimbursed by the medical laboratory technician or technologist costs and witness expenses incurred in connection with the disciplinary hearing and such costs shall be civil debt recoverable summarily by the Board.

(3) Where after the hearing in disciplinary proceedings under this Act, the Committee recommends to the Board that a registered laboratory technician or technologist is unfit to practice his profession as a result of ill-health, the Board may, if satisfied with the Committee's recommendations, withdraw the technologist's or technician's certificate of registration or practising certificate until such a time as the Board is satisfied that the laboratory technician or technologist is fully recovered to resume his duties.

(4) A laboratory technician or technologist who has been suspended from practice or whose licence to practice has been withdrawn or cancelled shall from the date of such suspension, withdrawal or cancellation, surrender to the Registrar his registration and practising certificates and annual licence.

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(5) Any person being a registered medical laboratory technician or technologist who refuses or fails to surrender his badges, licences or certificates, to the Registrar on request shall be guilty of professional misconduct and liable to be fined by the Board a fine of not less than twenty thousand shillings.

(6) Any medical laboratory technician or technologist who is aggrieved by the decision of the Board in the exercise of its powers under this section may within sixty days from the date of the decision of the Board appeal to the High Court and in any such appeal, the High Court may annul or vary the decision as it thinks fit.

31. Lifting of suspension

(1) Where a medical laboratory technician or technologist has been suspended from practising, he may appeal to the Board for the lifting of the suspension at any time before the expiry thereof.

(2) Where the Board is satisfied in respect of any medical laboratory technician or technologist that he should have his suspension lifted, the Board shall, upon the receipt of the prescribed fee, lift the suspension and restore to the laboratory technician or technologist, his registration and practising certificates and his annual licence.

32. Restoration of the name in the register

(1) A laboratory technician or technologist whose name has been removed from the register may after the expiry of a period of three years from the date of such removal, appeal to the Board for restoration of his name in the register.

(2) The Board may after considering the appeal made under subsection (1), cause the name of the person appealing to be restored in the appropriate register, upon payment of the prescribed fee.

PART VI – FINANCIAL PROVISIONS

33. Funds of the Board

The funds of the Board shall comprise of—

- (a) such monies as may accrue to or vest in the Board in the course of the exercise of its powers or the performance of its functions under this Act;
- (b) all monies from any other source provided for or donated or lent to the Board.

34. Financial year

The financial year of the Board shall be the period of twelve months ending on the 30th June in every year.

35. Annual estimates

(1) Before the commencement of each financial year, the Board shall cause to be prepared estimates of revenue and expenditure of the Board for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the Board 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 Board;
- (b) the payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Board;

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- (c) the proper maintenance of buildings and grounds of the Board;
- (d) the acquisition, maintenance, repair and replacement of the equipment and other movable property of the Board;
- (e) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Board may deem appropriate.

(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 Minister for approval, and after the Minister has given his approval, the Board shall not increase any sum provided in the estimates without the consent of the Minister.

36. Investment of funds

The Board may invest any of the funds of the Board in securities in which for the time being trustees may by law invest funds or in any other securities which the Treasury may from time to time approve for that purpose.

37. Accounts and audit

(1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Board.

(2) Within a period of three months from the end of each financial year, the Board shall submit to the Auditor-General (Corporations) or an auditor appointed under subsection (3), the accounts of the Board together with—

- (a) a statement of income and expenditure during the year; and
- (b) a statement of the assets and liabilities of the Board on the last day of that year.

(3) The accounts of the Board shall be audited by the Auditor-General (Corporations) or by an auditor appointed by the Board under the authority of the Auditor-General (Corporations) given in accordance with subsection (2)(b) of the Exchequer and Audit Act (Cap. 412).

(4) The Auditor-General (Corporations) may give general or special directions to an auditor appointed under subsection (3) and the auditor shall comply with such directions.

(5) An auditor appointed under subsection (3) shall report directly to the Auditor-General (Corporations) on any matter relating to the directions given under subsection (4).

(6) Within a period of two months after the end of the financial year, the Auditor-General (Corporations) shall report on the examination and audit of the accounts of the Board to the Minister and where an auditor has been appointed under subsection (3) he shall transmit a copy of the report to the Auditor-General (Corporations).

(7) The fee payable to an auditor appointed under subsection (3), shall be fixed and paid by the Board.

PART VII – MISCELLANEOUS PROVISIONS

38. Certificates

(1) A certificate under the seal of the Board to the effect that a person is or was at any date registered under this Act shall be conclusive evidence of the facts so stated.

(2) All certificates under the seal of the Board shall remain the property of the Board.

(3) A person whose name is removed from the register under section 32, or in the case of a deceased person, his legal representative, shall, within thirty days of the publication of such removal, surrender the certificate of registration of that person to the Board.

(4) A person who—

- (a) destroys or defaces a certificate of registration; or
- (b) fails to surrender certificate of registration under subsection (3),

commits an offence and is liable on conviction to imprisonment for a term not exceeding three months.

(5) A person who, without reasonable excuse, is in possession of a certificate of registration not issued to him, or fails to surrender such certificate under subsection (3), commits an offence and is liable to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or to both.

39. General penalty

Any person convicted of an offence under this Act for which no penalty is provided shall be liable to a fine not exceeding thirty thousand shillings.

40. Regulations

The Board may, with the approval of the Minister, make regulations generally for the better carrying out of the provisions of this Act, and, without prejudice to the generality of the foregoing, such regulations may provide for—

- (a) the form and method of keeping the registers and other records under this Act;
 - (b) the conditions under which the training institutions for persons desirous of obtaining registration under this Act may be approved and the courses of instruction to be undergone by persons seeking such registration;
 - (c) the course content and examinations for laboratory technicians and technologists for purpose of registration under this Act;
 - (d) the standards and conditions of professional practice of registered laboratory technicians and technologists;
 - (e) forms and fees;
 - (f) the procedure for election of the members of the Board required to be elected; and
 - (g) the inspection of medical laboratories.
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SCHEDULE

[Section 8.]

PROVISIONS AS TO THE CONDUCT OF
BUSINESS AND AFFAIRS OF THE BOARD

1. Tenure of office

A member of the Board other than an *ex officio* member shall, subject to the provisions of this Schedule, hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for re-appointment or re-election, as the case may be.

2. Vacation of office

A member other than the chairman or an *ex officio* member may—

- (a) at anytime resign from office by notice in writing to the Board through the Registrar;
- (b) be removed from office by the Minister if the member—
 - (i) has been absent from three consecutive meetings of the Board without permission from the Board;
 - (ii) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
 - (iii) is incapacitated by prolonged physical or mental illness; or
 - (iv) is otherwise unable or unfit to discharge his functions.

3. Meetings

(1) The Board shall meet not less than four times 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 paragraph (1), the chairman may, and upon requisition in writing by at least five members shall, convene a special meeting of the Board at any time for the transaction of the business of the Board.

(3) Unless three-quarters of the total members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.

(4) The quorum for the conduct of the business of the Board shall be eleven members.

(5) The chairman shall preside at every meeting of the Board at which he is present but in his absence, the vice-chairman shall preside and shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairman.

(6) In the event of the absence of both the chairman and the vice-chairman, the members present shall elect one of their number to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairman.

(7) 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 chairman or the vice-chairman or the person presiding shall have a casting vote.

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(8) Subject to paragraph (4), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

(9) Subject to the provisions of this Schedule, the Board may determine its own procedure and the procedure for any committee of the Board and for the attendance of other persons at its meetings and may make standing orders in respect thereof.

4. Disclosure of interest

(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 is the subject of consideration, he 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.

5. The common seal

The affixing of the common seal of the Board shall be authenticated by the signature of the chairman and the Registrar and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the chairman and the Registrar:

Provided that the Board shall, in the absence of either the chairman or the Registrar in any particular matter, nominate one member to authenticate the seal of the Board on behalf of either the chairman or the Registrar.

6. Contracts and instruments

Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Board by any person generally or specially authorised by the Board for that purpose.
