



**THE REPUBLIC OF KENYA**

LAWS OF KENYA

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**NATIONAL AUTHORITY FOR THE CAMPAIGN  
AGAINST ALCOHOL AND DRUG ABUSE ACT**

NO. 14 OF 2012

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**NO. 14 OF 2012**

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AND DRUG ABUSE ACT**

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**NO. 14 OF 2012**

**NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL  
AND DRUG ABUSE ACT, 2012**

[Date of assent: 24th July, 2012.]

[Date of commencement: 14th August, 2012.]

**An Act of Parliament to establish an institutional framework for the control  
of alcohol and drug abuse and for the formulation and implementation of  
policy thereto and for connected purposes**

[Act No. 14 of 2012, L.N. 89/2012, Act No. 18 of 2018.]

**PART I – PRELIMINARY**

**1. Short title and commencement**

This Act may be cited as the National Authority for the Campaign Against Alcohol and Drug Abuse Act, 2012.

**2. Interpretation**

In this Act, unless the context otherwise requires—

“**alcoholic drink**” has the meaning assigned to it under section 2 of the Alcoholic drinks Control Act, 2010 (No. 4 of 2010);

“**Authority**” means the National Authority for the Campaign Against Alcohol and Drug Abuse established by section 4;

“**Board**” means the Board of the Authority constituted pursuant to section 6;

“**Cabinet Secretary**” means the Cabinet Secretary of the Ministry for the time being responsible for matters relating to national security;

“**Chief Executive Officer**” means the chief executive officer of the Authority appointed under section 10;

“**child**” has the meaning assigned to it in the Children Act, 2001 (No. 8 of 2001) and “**children**” shall be construed accordingly;

“**demand reduction**” means any policies and strategies aimed at decreasing the need for drugs;

“**drug**” means any substance capable of altering the mind, body behaviour or character of any individual and includes alcoholic drinks, lawful drugs or narcotic drugs and psychotropic substances;

“**drug abuse**” means—

- (a) a habitual use of drugs to alter one’s mood, emotion, or state of consciousness;
- (b) the use of drugs for a non-therapeutic effect;
- (c) an excessive or improper use of drugs, especially through self-administration, for non-medical purposes;
- (d) the use of a psychoactive substance for purposes other than medicinal purposes which impairs the physical, mental, emotional, or social well-being of the user;

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“**lead agency**” means the relevant department of Government or body responsible for the implementation or enforcement of any law or policy relating to drug abuse control;

“**narcotic drug**” has the meaning assigned to it in the Narcotic Drugs and Psychotropic Substances (Control) Act, 1994 (No. 4 of 1994);

“**premises**” includes land, building, vehicle or vessel on or offshore movable or removable or other place in which may be used for the storage, manufacture, concealment, sale, handling, transport, or other related purposes;

“**psychotropic substance**” has the meaning assigned to it in the Narcotic Drugs and Psychotropic Substances (Control) Act, 1994;

“**supply reduction**” means any policies and strategies aimed at streamlining the production and trade in drugs; and

“**youth**” has the meaning assigned to it under Article 260 of the Constitution.

### **3. Act to supersede**

Where the provisions of this Act are inconsistent with the provisions of any other written law, the provisions of this Act shall prevail.

## PART II – THE NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE

### **4. Establishment of the Authority**

(1) There is established an Authority known as the National Authority for the Campaign Against Alcohol and Drug Abuse.

(2) The Authority 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) purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property in and out of Kenya;
- (c) borrowing or receiving grants; and
- (d) doing or causing to be done or performing all such other things or acts for the proper performance of its functions under this Act, as may be lawfully done or performed by a body corporate.

(3) The Authority shall be the successor to the National Campaign Against Drug Abuse Authority established under the State Corporations Act (Cap. 446) existing immediately before the commencement of this Act.

### **5. Functions of the Authority**

The functions of the Authority shall be to—

- (a) carry out public education on alcohol and drug abuse directly and in collaboration with other public or private bodies and institutions;
- (b) coordinate and facilitate public participation in the control of alcohol and drug abuse;
- (c) coordinate and facilitate inter-agency collaboration and liaison among lead agencies responsible for alcohol and drug-demand reduction;
- (d) in collaboration with other lead agencies, facilitate and promote the monitoring and surveillance of national and international emerging

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- trends and patterns in the production, manufacture, sale, consumption, trafficking and promotion of alcohol and drugs prone to abuse;
- (e) in collaboration with other lead agencies, provide and facilitate the development and operation of rehabilitation facilities, programmes and standards for persons suffering from substance use disorders;
  - (f) subject to any other written law, license and regulate operations of rehabilitation facilities for persons suffering from substance use disorders;
  - (g) coordinate and facilitate, in collaboration with other lead agencies and non-State actors, the formulation of national policies, laws and plans of action on control of alcohol and drug abuse and facilitate their implementation, enforcement, continuous review, monitoring and evaluation;
  - (h) develop and maintain proactive co-operation with regional and international institutions in areas relevant to achieving the Authority's objectives;
  - (i) in collaboration with other public and private agencies, facilitate, conduct, promote and coordinate research and dissemination of findings on data on alcohol and drug abuse and serve as the repository of such data;
  - (j) in collaboration with other lead agencies, prepare, publish and submit an alcohol and drug abuse control status report bi-annually to both Houses of Parliament through the Cabinet Secretary;
  - (k) assist and support County governments in developing and implementing policies, laws and plans of action on control of drug abuse; and
  - (l) carry out such other roles necessary for the implementation of the objects and purpose of this Act and perform such other functions as may, from time to time, be assigned by the Cabinet Secretary.

## **6. Board of the Authority**

(1) The management of the Authority shall vest in a Board which shall consist of—

- (a) a chairperson appointed by the President, who shall be a person with experience in public affairs either in judicial service, public service or the private or voluntary sector;
- (b) the Principal Secretary in the Ministry for the time being responsible for national security;
- (c) the Principal Secretary in the Ministry for time being responsible for finance;
- (d) the Principal Secretary in the Ministry for the time being responsible for public health;
- (e) the Principal Secretary in the Ministry for the time being responsible for education;
- (f) the Principal Secretary in the Ministry for the time being responsible for children and youth affairs;

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- (g) the head of the anti-narcotic police unit or the agency for the time being responsible for enforcement of narcotic drug laws;
  - (h) three persons appointed by the Cabinet Secretary from among healthcare providers, researchers, policy and legal practitioners, media and communication professionals, educationists, security, safety and environmental experts, provided that no more than one person shall be appointed from one category;
  - (i) two persons nominated by the joint forum of religious organizations referred to in subsection (3) and appointed by the Cabinet Secretary;
  - (j) one person nominated by the Medical Practitioners and Dentists Board and appointed by the Cabinet Secretary;
  - (k) one person nominated by a most representative organization working with the youth and appointed by the Cabinet Secretary; and
  - (l) the Chief Executive Officer.
- (2) A person shall not be appointed under subsection (1)(a), (h), (i), (j) and (k) unless such person—
- (a) is of impeccable character and high moral standing in relation to drugs and chemical substances of abuse;
  - (b) has the capacity to inspire and achieve the objectives of the Authority.
- (3) The joint forum of religious organizations referred to in subsection (1) shall consist of representatives of—
- (a) the Supreme Council of Kenya Muslims;
  - (b) the Kenya Episcopal Conference;
  - (c) the National Council of Churches of Kenya;
  - (d) the Evangelical Alliance of Kenya; and
  - (e) the Hindu Council of Kenya.
- (4) The functions of the Board shall be to—
- (a) ensure proper and efficient exercise of the powers and performance of the functions of the Authority;
  - (b) advise the management of the Authority generally on the exercise of the powers and the performance of the functions of the Authority;
  - (c) approve the estimates of the revenue and expenditure of the Authority; and
  - (d) perform such other functions as are provided for under this Act or any other written law.

[Act No. 18 of 2018, Sch.]

## **7. Conduct of business and affairs of the Board**

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

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

## **8. Powers of the Board**

(1) The Board shall have all powers necessary for the proper performance of the functions of the Authority under this Act.



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

- (a) control, supervise and administer the assets of the Authority in such manner as best promotes the purpose for which the Authority is established;
- (b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Authority;
- (c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;
- (d) open such banking accounts for the funds of the Authority as may be necessary;
- (e) invest any funds of the Authority not immediately required for its purposes in the manner provided in section 18;
- (f) undertake any activity necessary for the fulfillment of any of the functions of the Authority under this Act.

#### **9. Remuneration of members of the Board**

The remuneration payable to members of the Board shall be determined by the Salaries and Remuneration Commission.

#### **10. Chief Executive Officer**

(1) There shall be a Chief Executive of the Authority who shall be an officer appointed by the Cabinet Secretary on the recommendation of the Board.

(2) A person shall not be qualified to be appointed as a Chief Executive Officer unless that person—

- (a) holds a degree from a recognized university;
- (b) has at least five years post graduate working experience in a relevant area.

(3) The Chief Executive Officer shall hold office for a period of five years, on such terms and conditions of employment as the Board may determine, and shall be eligible for re-appointment for a further and final term of five years.

(4) The Chief Executive Officer shall be an *ex-officio* member of the Board but shall have no right to vote at any meeting of the Board.

(5) The Chief Executive Officer shall—

- (a) subject to the direction of the Board, be responsible for the day to day management of the affairs and staff of the Authority;
- (b) in consultation with the Board, be responsible for the direction of the affairs and transactions of the Authority, the exercise, discharge and performance of its objectives, functions and duties and the general administration of the Authority;
- (c) be the secretary of the Board.

(6) The Chief Executive Officer may—

- (a) at any time resign from office by notice in writing to the Board;
- (b) be removed from office by the Cabinet Secretary on the recommendation of the Board, for—
  - (i) serious violation of the Constitution or any other written law, including a contravention of Chapter Six of the Constitution;

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- (ii) gross misconduct, whether in the performance of the functions of office or otherwise;
- (iii) physical or mental incapacity to perform the functions of office;
- (iv) incompetence; or
- (v) bankruptcy.

**11. Staff of the Authority**

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 it may determine.

**12. Delegation by the Board**

The Board may, by resolution either generally or in any particular case, delegate to any committee or to any member, officer, employee or agent of the Authority, the exercise of any of the powers or the performance of any of the functions or duties of the Authority under this Act or under any other written law.

**13. Common seal**

(1) The common seal of the Authority shall be kept in such custody as the Board may direct and shall not be used except on the order of the Board.

(2) The affixing of the common seal of the Authority shall be authenticated by the signature of the Chairperson and the Chief Executive Officer 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 both the Chairperson and the Chief Executive Officer.

(3) Notwithstanding the provisions of subparagraph (2) the Board shall, in the absence of either the Chairperson or the Chief Executive Officer in a particular matter, nominate one member to authenticate the seal on behalf of either the Chairperson or the Chief Executive Officer.

(4) The common seal of the Authority when affixed to a document and duly authenticated shall be judicially noticed and unless the contrary is proved, any necessary order or authorization by the Board under this section shall be presumed to have been duly given.

PART III – FINANCIAL PROVISIONS

**14. Funds of the Authority**

(1) The funds of the Authority shall comprise of—

- (a) such sums as may be granted to the Authority by the Cabinet Secretary pursuant to subsection (2);
- (b) such fees, monies or assets as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act or under any written law; and
- (c) all monies from any other source provided for or donated or lent to the Authority.

(2) There shall be made to the Authority, out of monies provided by Parliament for that purpose, grants towards the expenditure incurred by the Authority in the exercise of its powers or the performance of its functions under this Act.

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(3) Unless Treasury otherwise directs, the balance of the funds of the Authority at the end of the financial year shall be retained for the purposes for which the Authority is established.

**15. Financial year**

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

**16. 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 Authority for that year.

(2) The annual estimates shall make provision for all estimated expenditure of the Authority for the financial year and in particular, the estimates shall provide for—

- (a) the payment of the salaries, allowances and other charges in respect of members of the Board and staff of the Authority;
- (b) the payment of pensions, gratuities and other charges in respect of the staff of the Authority;
- (c) the proper maintenance of the buildings and grounds of the Authority;
- (d) the maintenance, repair and replacement of the equipment and other property of the Authority; and
- (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 Cabinet Secretary for approval and after the Cabinet Secretary's approval, the Board shall not increase the annual estimates of the Authority without the consent of the Cabinet Secretary.

**17. Accounts and audit**

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

(2) Within a period of four months from the end of each financial year, the Board shall submit to the Auditor-General or to an auditor appointed under this section, the accounts of the Authority together with—

- (a) a statement of the income and expenditure of the Authority during that year; and
- (b) a balance sheet of the Authority on the last day of that year.

(3) The accounts of the Authority shall be audited and reported upon in accordance with the Public Audit Act, 2003 (No. 12 of 2003).

**18. Investment of funds**

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

PART IV – ENFORCEMENT PROVISIONS

**19. Authorised officers**

(1) The Cabinet Secretary shall, upon recommendation by the Authority, appoint any person or class of persons to be authorised officers for purposes of this Act.

(2) The Cabinet Secretary shall issue a certificate of appointment to every person appointed under this section.

(3) Notwithstanding the provisions of this section, the following officers shall be deemed to be authorised officers for the purposes of this Act—

- (a) public health officers appointed under the Public Health Act (Cap. 242);
- (b) any other person upon whom any written law vests functions of the maintenance of law and order.

(4) An authorised officer appointed under subsection (1) shall—

- (a) be subject to the general directions of the Authority;
- (b) submit periodic reports to the Authority in such manner as may be prescribed on the status of compliance with of the provisions of this Act.

**20. Places authorised officers may enter**

(1) For the purposes of ensuring compliance with the Narcotic and Psychotropic Substances Act, 1994 or any law relating to drugs, an authorised officer may, at any reasonable time, enter any place or premises which the officer believes on reasonable grounds that any person or persons is in any way contravening the provisions of that law.

(2) An authorised officer entering any premises under this section shall, if so required, produce for inspection by the person who is or appears to be in charge of the premises the certificate issued to him under section 19(2).

(3) In carrying out an inspection in any place pursuant to this section, an authorised officer may—

- (a) examine any goods, building, works or thing;
- (b) require any person in such place to produce for inspection, in the manner and form requested by the office any goods, works, drawings, plans, approvals or thing;
- (c) conduct any test or analysis or take any measurements of samples of the thing; or
- (d) require any person found in the place to produce for inspection or copying, any written or electronic information that is relevant.

(4) An authorised officer who has analyzed or examined a thing under this Act, or a sample of it, shall issue a certificate or report setting out the results of the analysis or examination.

(5) An authorised officer may not enter a premises except with the consent of the occupant or under the authority of a warrant issued under section 21.

**21. Court to issue warrant**

(1) Upon an *ex-parte* application, a magistrate or judge of the High Court, may issue a warrant authorising the authorised officer named in the warrant to enter

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and inspect a premises, subject to any conditions specified in the warrant, if the magistrate or judge is satisfied by information on oath that—

- (a) the premises is a place referred to in section 20;
- (b) entry to the premises is necessary for the administration or enforcement of this Act or other written law relation to drug abuse;
- (c) the occupant does not consent to the entry, or that entry has been refused or there are reasonable grounds for believing that it will be refused.

(2) An authorised officer executing the warrant issued under this section shall not use force unless such officer is accompanied by a police officer and the use of force is specifically authorised in the warrant.

## **22. Seizure**

(1) During an inspection under this Act, an authorised officer may seize any thing by means of which or in relation to which the officer believes, on reasonable grounds, that this Act or the other written law has been contravened and a full inventory thereof shall be made at the time of such seizure by the officer.

(2) The authorised officer may direct that the thing seized be kept or stored in the place where it was seized or that it be removed to another place.

(3) Unless authorised by an officer, no person shall remove, alter or interfere in any manner with any thing seized.

(4) Any person from whom a thing was seized may, within thirty days after the date of seizure, apply to the High Court for an order of restoration, and shall send notice containing the prescribed information to the Cabinet Secretary within the prescribed time and in the prescribed manner.

(5) The High Court may order that the thing be restored immediately to the applicant if, on hearing the application, the court is satisfied that—

- (a) the applicant is entitled to possession of the thing seized; and
- (b) the thing seized is not and will not be required as evidence in any proceedings in respect of an offence under this Act.

## **23. Nature of offences**

(1) Offences under this Act shall be cognizable offences.

(2) Where a corporation, registered society or other similar legal entity commits an offence under this Act, any director or officer of the corporation, society or legal entity who acquiesced in the offence commits an offence and shall, on conviction, be liable in respect of the offence committed by the corporation, society or legal entity, whether or not such corporation, society or legal entity has been prosecuted.

(3) In any prosecution for an offence under this Act, it shall be sufficient proof of the offence to establish that the offence was committed by an employee or agent of the accused.

(4) Any act done or omitted to be done by an employee in contravention of any of the provisions of this Act shall be deemed also to be the act or omission of the employer, and any proceedings for an offence arising out of such act or omission may be taken against both the employer and the employee.

## **24. Obstruction**

(1) No person shall obstruct or hinder, or knowingly make a false or misleading statement to an authorised officer who is carrying out duties under this Act.

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(2) Any person who contravenes the provisions of this section commits an offence and shall be liable to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding three years, or to both.

#### **25. Convening of inter-agency forum**

The Authority shall, at least twice a year, convene an inter-agency forum of Government departments and lead agencies involved in drug demand reduction and drug supply reduction for the purposes of establishing plans of action, strategies and collaboration in the development, implementation and enforcement of laws and policies relating to drug abuse control.

#### **26. Authority to advise lead agencies, etc**

The Authority may—

- (a) advise a lead agency to take the remedial measures necessary to address gaps, weaknesses and loopholes in the enforcement of laws or implementation of policies in drug control;
- (b) initiate enquiries into abuse of any drug or substance whether licit or illicit and submit recommendations for action to the relevant lead agencies in support of law enforcement;
- (c) require reports from lead agencies relating to drug control to facilitate preparation of report for submission to Parliament.

### PART V – MISCELLANEOUS PROVISIONS

#### **27. Duty of disclosure**

(1) Information held by the Authority or any other public or private body on drugs and psychotropic substances of abuse shall be open for scrutiny and disclosure for public information purposes.

(2) Any person who breaches the provisions of this section commits an offence.

#### **28. General penalty**

Any person who commits any offence under this Act for which the penalty is not provided shall be liable upon conviction to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding twelve years or both.

#### **29. Regulations**

(1) The Cabinet Secretary may, on recommendation of the Authority, make Regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of subsection (1), the Regulations may—

- (a) prescribe anything required by this Act to be prescribed or prohibit anything required by this Act to be prohibited;
- (b) prescribe the methods to be used in testing drugs;
- (c) prescribe the information that manufacturers shall provide to the Authority including information on drugs, sales and advertising data, and information on product composition, ingredients, hazardous properties and brand elements;
- (d) prescribe, subject to any other written law, the manner in which persons operating drug abuse treatment and rehabilitation facilities and persons practising in the field of drug abuse treatment and rehabilitation may be licensed; and

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- (e) prescribe guidelines for the prevention and reduction of drug demand and abuse.

### 30. Transitional

- (1) In this section—

“**appointed day**” means the day upon which this Act comes into operation;

“**former Authority**” means the National Campaign Against Drug Abuse Authority established under the State Corporations Act (Cap. 446).

(2) On the appointed day, all the funds, assets, assets and other property, both movable and immovable, which immediately before such date were vested in the former Authority, shall by virtue of this paragraph, vest in the Authority.

(3) Any person who, at the commencement of this Act, is a member of staff of the former Authority shall, on the appointed day, become a member of staff of the Authority on the same or improved terms and conditions of service as may be specified by the Cabinet Secretary.

(4) On the appointed day, every person who is a member of the Board of the former Authority shall, on and after such day, become a member of the Board of the Authority constituted under this Act for the remainder of his or her unexpired term.

- (5) Where on the appointed day—

(a) any disciplinary proceedings against any member of staff of the former Authority are in the course of being heard or instituted, or have been heard or investigated by the former Authority but no order or decision has been made thereon;

(b) any such member of staff is interdicted or suspended, the Authority shall—

(i) in the case of paragraph (a), carry on and complete the hearing or investigation and make an order or render a decision, as the case may be;

(ii) in the case of paragraph (b), deal with such member of staff in such manner as it deems appropriate having regard to the offence committed by him or her, including the completion of disciplinary proceedings that have been commenced against that member of staff.

(6) Where on the appointed day, any penalty, other than dismissal, has been imposed on any member of staff of the former Authority pursuant to disciplinary proceedings against him or her and the penalty has not been, or remains to be serviced by such member of staff, he or she shall, on his or her transfer to the Authority, serve or continue to serve such penalty to its full as if it had been imposed by the Authority.

(7) On the appointed day, all rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such day were vested in, imposed on or enforceable against the former Authority shall, by virtue of this paragraph, be deemed to be vested in, imposed on or enforceable against the Authority.

(8) Any reference in any written law or in any document or instrument to the former Authority shall on and after the appointed day, be construed to be a reference to the Authority.

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(9) The annual estimates of the former Authority for the financial year in which the appointed day occurs shall be deemed to be annual estimates of the Authority for the remainder of that financial year:

Provided that such estimates may be varied by the Board in such manner as the Cabinet Secretary may approve.

(10) The administrative directions made by former Authority or by the Cabinet Secretary which are in force immediately before the appointed day shall, on and after such day, have force as if they were directions made by the Board or the Cabinet Secretary under this Act.

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SCHEDULE

[Section 7.]

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

**1. Tenure of office**

The Chairperson or a member of the Board other than the *ex-officio* members 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 for one further term.

**2. Vacation of office**

(1) A member other than an *ex-officio* member may—

- (a) at any time resign from office by notice in writing to the Cabinet Secretary;
- (b) be removed from office by the Cabinet Secretary on recommendation of the Board if the member—
  - (i) has been absent from three consecutive meetings of the Board without its permission;
  - (ii) is convicted of a criminal offence that amounts to a felony under the Laws of Kenya;
  - (iii) is incapacitated by prolonged physical or mental illness for a period exceeding six months;
  - (iv) is otherwise unable or unfit to discharge his functions.

**3. Meetings**

(1) The Board shall, at its first meeting, elect a Vice-Chairperson from amongst the persons appointed under section 6(1)(h) of the Act.

(2) The person elected under subparagraph (1) shall not be of the same gender as the chairperson of the Board.

(3) 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.

(4) Notwithstanding subparagraph (3), the Chairperson 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.



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(5) 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.

(6) The quorum for the conduct of the business of the Board shall be half of the total members including the Chairperson or the person presiding.

(7) The Chairperson or in his absence, the Vice-Chairperson, shall preside at every meeting of the Board but the members present shall elect one of their number to preside whenever the Chairperson and Vice-Chairperson are absent, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

(8) 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 case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(9) Subject to subparagraph (6), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

(10) 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. Committees of the Board**

(1) The Board may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine.

(2) The Board shall appoint the chairperson of a committee established under subparagraph (1) from amongst its members.

(3) The Board may where it deems appropriate, co-opt any person to attend the deliberations of any of its committees.

(4) All decisions by the committees appointed under subparagraph (1) shall be ratified by the Board.

#### **5. Disclosure of interest**

(1) A member who has an interest in any contract, or other matter present at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof 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 subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Board who contravenes subparagraph (1) commits an offence and is liable to a fine not exceeding two hundred thousand shillings.

#### **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 authorized by the Board for that purpose.