

into an agreement for co-operation, is declared to be an organization to which section 11 of the Act shall apply.

3. The Association shall have the privileges and immunities specified in paragraph 4 of Part I of the Fourth Schedule to the Act.

4. The regional director and internationally recruited staff members of the Association shall, while residing in Kenya and performing duties in the service of the Association, have the privileges specified in paragraphs 2 to 7 of Part III of the Fourth Schedule to the Act:

Provided that the provisions of this paragraph shall not apply to citizens of Kenya or to any person who is ordinarily resident in Kenya except solely for the purpose of being an employee of, or working exclusively for the Association.

Made on the 3rd February, 2010.

MOSES WETANG'ULA,  
Minister for Foreign Affairs.

LEGAL NOTICE NO. 19

THE EDUCATION ACT

(Cap. 211)

IN EXERCISE of the powers conferred by section 4A of the Education Act, the Minister for Education makes the following Order:—

THE EDUCATION (KENYA EDUCATION STAFF INSTITUTE)  
ORDER, 2010

PART I—PRELIMINARY

Citation.

1. This Order may be cited as the Education (Kenya Education Staff Institute) Order, 2010.

Interpretation.

2. In this Order, unless the context otherwise requires—

“Council” means the Council of the Institute established under paragraph 7;

“certificate” means a document awarded by the Institute and duly signed by the Chairperson and Director, bearing all the approved characteristics of a certificate of the Institute;

“Director” means the director appointed under paragraph 7.

“Institute” means the Kenya Education Staff Institute established under paragraph 3.

PART II—ESTABLISHMENT AND FUNCTIONS OF THE  
INSTITUTE

Establishment.

3. (1) There is hereby established an Institute to be known as the Kenya Education Staff Institute.

(2) The Institute 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 and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such things or acts which may lawfully be done by a body corporate.

(3) The Institute shall be the successor to the Institute known as the Kenya Education Staff Institute established under the Education (Kenya Education Staff Institute) Order, 1988, and existing immediately before the commencement of this Order.

4. The functions of the Institute shall be to—

- (a) provide, directly or in collaboration with other institutions of learning, management training, research and consultancy services in the education sector on a commercial basis to the public and private sector and to any other persons, local or foreign, who may request for such services from it;
- (b) provide training programs, seminars and workshops and produce publications aimed at promoting managerial competence and integrity in the education sector, while utilizing diverse learning methods including open and distance learning approaches;
- (c) produce, maintain and disseminate documentation and information services and equipment relating to administrative management, technical and educational reform issues;
- (d) serve as a management advisory, consultancy and resource centre for personnel involved in educational work;
- (e) undertake research in relation to training needs assessments, quality assurance processes, training impact assessments, policy, management and emerging issues for the purpose of designing appropriate management training programs and ensuring the integrity of these programs;
- (f) provide a forum for effective collaboration between the public and private sectors and other interested parties for capacity building in the education sector;
- (g) conduct examinations and award diplomas, certificates and other awards to successful candidates;
- (h) undertake resource generative services in a cost effective manner to build self sufficiency; and
- (i) generally promote and carry on the work of a management development institute.

L.N 565/1988.

Functions of  
Institute

Powers of the  
Institute.

5. In the performance of its functions under paragraph 4, the Institute may—

- (a) establish and maintain such campuses and departments, and institute such courses of instruction as the Council may consider appropriate;
- (b) create, develop, apply for, obtain and hold intellectual property rights and enter into agreements or arrangements for their commercial exploitation or as the Board considers appropriate;
- (c) accept gifts, grants, bequests, devices and assignments made to it and act as trustee of moneys or other property vested in it on trust;
- (d) enter into arrangements with other institutions of learning or professional organizations (whether within or outside Kenya) or with any of the Ministries that administer management training services to establish relevant capacity building programmes;
- (e) establish, manage and control residential facilities and other forms of trainee accommodation and to establish, manage and control other accommodation that the Council thinks fit; and
- (f) do any other thing which is necessary or convenient to be done in connection with or incidental to its functions.

Admission.

6. Admission to the Institute shall be open to all persons who are qualified for such admission without distinction on the basis of ethnic origin, sex or creed being imposed on any person as a condition of his or her becoming or continuing to be a student at the Institute.

### PART III—ESTABLISHMENT AND FUNCTIONS OF THE COUNCIL OF THE INSTITUTE

Membership of the  
Institute.

7. (1) There shall be a Council to be known as the Council of the Institute, which shall have the responsibility of managing the Institute in accordance with this Order.

(2) The Council shall consist of the following members—

- (a) a chairperson appointed by the Minister;
- (b) the Permanent Secretary in the Ministry for the time being responsible for education or his representative;
- (c) the Secretary of the Teachers Service Commission;
- (d) the Director of the Kenya Institute of Education;
- (e) one representative appointed by the Minister from each of the following institutions respectively—
  - (i) the Kenya Association for Primary Teachers' Training Colleges;



(ii) the Kenya Secondary School Heads' Association; and

(iii) the Kenya Primary Schools Heads' Association.

(iv) The Kenya Diploma Colleges Principals' Association.

- (f) four persons, not being public servants, appointed by the Minister by virtue of their knowledge and experience in matters related to education; and
- (g) the Director of the Institute, who shall be the Secretary to the Council.

8. (1) The functions and powers of the Council shall be to—

Function  
Powers  
Council

- (a) formulate, with the approval of the Minister, policies pertaining to the management and implementation of the objects of the Institute;
- (b) administer the property and funds of the Institute in such manner and for such purposes as shall best promote the interests of the Institute;

Provided that the Council shall not dispose of the immovable property of the Institute without the approval of the Minister;

- (c) receive, on behalf of the Institute, donations, endorsements, gifts, grants or other monies, and to make legitimate disbursements therefrom;
- (d) borrow, generate and raise funds for the purposes of the Institute;
- (e) appoint suitable staff of the Institute upon such terms and conditions as it may determine;
- (f) receive reports from the Director or any officer of the Institute in respect of financial and other circumstances of the Institute, and to direct any action to be taken by the Director or such officer;
- (g) establish facilities in any place (whether in or outside Kenya) for the better discharge of its functions and responsibilities under this Act; and
- (h) do or perform anything or any other act for the better carrying out of the purpose of the Institute.

\* (2) The Council may from time to time co-opt into its membership one or more persons to assist it in any particular matter for the time being before the Council, but such co-opted member shall not be entitled to vote on any matter.

9. (1) in the performance of its functions under this Order, the Council shall make statutes generally for the administration of the Institute, and in particular for—

Statutes.

- (a) the establishment of departments of the Institute;

- (b) the requirements for the award of certificates or other awards of the Institute;
- (c) the conduct of examinations;
- (d) prescribing fees, boarding and other charges;
- (e) prescribing the terms and conditions of service, including the appointments, discipline, dismissal and retirement benefits, of the officers of the Institute; and
- (f) the procedure of meetings of the Council and the establishment, composition and terms of reference and terms of reference of the Committees of the Council;

(2) Statutes shall be made by a resolution of a meeting of the Council and passed by a majority of the members present and voting.

Payments to Council  
Members.

10. The Council shall pay to each of its members such remuneration and allowances, if any, as the Minister may approve.

Committees.

11. The Council may, for the better performance of its functions, appoint and assign duties to such Committees, including the finance and general purpose committee, as it may consider appropriate.

Meetings.

\* 12. (1) The Council shall meet not less than four times each financial year at any time.

(2) Notwithstanding subparagraph (1), the Chairperson may upon the written request of any three members of the Council, convene a meeting of the Council after giving a notice for a period of twenty-one days.

(3) The Chairperson shall give two weeks' notice of any ordinary meetings of the Council to all members, and such notice shall provide the agenda for such meeting.

(4) The quorum of a meeting of the Council shall be one half of all members.

(5) The decisions of the Council shall be carried by a majority of the members present, and in case of an equality of votes the Chairman or person presiding shall have a second or casting vote.

(6) The Chairperson shall preside at all meetings of the Council at which he is present.

(7) In the absence of the Chairperson from a meeting, the members present shall elect one of their number to preside at the particular meeting.

(8) All documents made by, and all decisions of the Council shall be signed under the hand of the Chairperson or any member or officer of the Council.

Terms of Office.

13. (1) A member of the Council shall hold office for a term of three years, but shall be eligible for reappointment for one further term.

(2) Notwithstanding paragraph (1), a member may —

- (a) resign his office by writing under his hand addressed to the Chairperson of the Council; or
- (b) Be removed by the Minister by notice in writing if he—
  - (i) has been absent from three consecutive meetings of the Council without permission of the chairman;
  - (ii) is so incapacitated by prolonged physical or mental illness as to be unable to attend to and perform his duties;
  - (iii) is an adjudged bankrupt by a court of competent jurisdiction;
  - (iv) is convicted by a Court of an offence punishable by a term of imprisonment exceeding six months; or
  - (v) is otherwise unable or unfit to discharge its functions.

\*14. (1) The Council shall meet not less than four times in each financial year.

15. (1) There shall be a Director of the Institute who shall be appointed by the Minister on the advice of the Council.

(2) A person shall be qualified for appointment as Director of the Institute where such person has relevant academic and professional qualifications and proven qualifications in the management and administration of an education institution.

(3) The Director shall be the chief executive of the Institute and shall—

- (a) have overall responsibility for the direction, organization and administration of programs of the Institute;
- (b) be responsible for the supervision and discipline of the staff of the Institute;
- (c) subject to the directions of the Council on matters of policy, be responsible to the Council for the administration and management of the Institute;
- (d) appoint such temporary professional and other staff as may from time to time be required by the Institute at such fee as may be approved by the Council; and
- (e) be the accounting officer of the Institute.

(4) The Director shall hold office upon such terms and for such a period as may be specified in the instrument of appointment.

(5) The Council may appoint deputy director such other staff as it may deem necessary for its functions, on such terms and conditions of service as it may determine.

16. (1) There shall be an academic board of the Institute which shall consist of—



- (a) the Director;
- (b) the deputy directors, and
- (c) the Heads of Departments of the Institute.

(2) The Academic Board may co-opt such other members as may be necessary for the exercise of its functions under this Order.

(3) The Director shall be the Chairperson of the Academic Board.

(4) The Academic Board shall –

- (a) establish criteria for admission of learners to the Institute;
- (b) set and review the content and academic standard of any certificate or other award of the Institute;
- (c) set examination and award diplomas and certificates to suitably qualified students of the Institute; and
- (d) coordinate such other activities as may be undertaken by the Institute in the discharge of its functions under this Act.

17. The funds of the Institute shall comprise—

Funds.

- (a) such monies as may be appropriated by Parliament for purposes of the Institute;
- (b) any monies or property which may in any manner accrue or vest in the Institute in the course of the exercise of its functions; and
- (c) all monies from any other sources provided, donated or lent to the Institute.

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

Financial Year.

19. (1) At least five months before the commencement of each financial year, the Council shall cause to be prepared estimates of the revenue and expenditure for the Institute for that year.

Annual estimates.

(2) The annual estimates shall make provision for all the estimated expenditure of the Institute 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 Institute and the members of the Council;
- (b) the payment of pensions, gratuities and other charges in respect of retirement benefits payable out of the funds of the Council;
- (c) the acquisition, maintenance, repair and replacement of the equipment and other movable property of the Institute;
- (d) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits,

insurance, replacement of buildings or equipment, or in respect of such other matters as the Council may deem fit.

(3) The annual estimates shall be approved by the Council at least two months before commencement of the financial year to which they relate and shall be submitted to the Minister for approval.

(4) No expenditure shall be incurred for the purposes of the Institute except in accordance with the annual estimates approved under subparagraph (3), or in pursuance of the authorization of the Council given with prior written approval of the Minister and the Permanent Secretary to the Treasury.

20. The Council shall cause to be kept proper books and records of the account of the income, expenditure and assets of the Institute.

21. The accounts of the Institute shall be audited and reported upon in accordance with the Public Act.


#### PART VII—MISCELLANEOUS

22. (1) The Common seal of the Institute shall be kept in the custody of the Director or such other person as the Council may direct, and shall not be used except upon the order of the Council.

(2) The Common seal of the Institute shall be authenticated by the signature of the Chairperson and the Director.

(3) The common seal of the Institute, when affixed to any document and duly authenticated under this section, shall be judicially and officially noticed, and unless the contrary is proved, the necessary order or authorization of the Council under this section shall be deemed to have been duly given.

(4) All documents other than those required by law to be under seal made on behalf of the Council shall be signified by the hand of the Chairperson of the Council, the Director, or any other member of the Council specifically authorized by the Council in that behalf.

 23. No member of the Council staff of the Institute shall be personally liable for any act or default in good faith in the exercise or purported exercise of the functions of the Council.

24. (1) No public officer performing functions relating to registration of companies and business names shall accept for such registration any name which includes the words "Kenya Education Staff Institute" unless the application for registration is accompanied by the written consent of the Council.

(2) Any person who, except with the written consent of the Council uses the words "Kenya Education Staff Institute" in connection with any advertisement for any trade, business, calling or profession, commits an offence and is liable on conviction to—

(a) Imprisonment for a term not exceeding twelve months; or

(b) a fine not exceeding thirty thousand shillings, or both

Provided that nothing in this section shall be construed as



preventing the *bona fide* use by any person of any title consequent to the grant to him of a diploma or any other award of the Institute.

#### PART VIII—TRANSITIONAL

L.N 565/1988.

25. (1) The Kenya Education Staff Institute Order 1988 is revoked.

(2) Notwithstanding subparagraph (1), upon the commencement of this Order—

- (a) all the rights duties, obligations, assets and liabilities of the former Institute existing at the commencement of this Order shall be automatically and fully transferred to the Institute;
- (b) any reference to the former Institute in any contract or document shall, for all purposes, be deemed to be a reference to the Institute;
- (c) any person who is an employee of the former Institute is immediately before the commencement of this Order shall upon such commencement be deemed to be an employee of the Institute.

(3) The annual estimates of the former Institute for the financial year in which the appointed day occurs shall be deemed to be the annual estimates of the Institute for the remainder of that financial year;

(4) The administrative directions made by the former Institute or by the Minister which are in force immediately before the appointed day shall, on or after such day, have force as if they were directions made by the Council or the Minister under this Act;

(5) Any permit, license or authority of any kind issued or granted to the Institute by or under any Act continues to operate as if issued or granted to the Institute;

(6) Any donor or government funding of a continuing nature administered by the former Institute or its Council and existing immediately before the commencement of this order shall be administered by the Institute, but otherwise in accordance with the terms and conditions to which it was subject immediately before that date;

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

(8) All actions, claims, arbitrations, applications and other proceedings (including proceedings on appeal or review) pending or existing immediately before the commencement of this act by, against, or in relation to the former Institute have effect as if they were proceedings by, against, or in relation to the Institute, and may be

continued and completed accordingly; and

(9) Any permit, licence or authority issued or granted to the former Institute by or under any law for the time being in force shall, notwithstanding anything in this Order operate continues to operate, despite anything in this Order, in favour of the Institute in the same way and to the same extent as it operated in favour of the former Institute.

26. (1) All movable and immovable property which immediately before the commencement of this Order vested in the Board of Governors of the College (now closed) shall upon such commencement vest in the Institute.

(2) Any person who is an employee of the Board of Governors of the College before the commencement of this Order shall be deemed to be employees of the Council of the Institute.

Provided that such person shall, within a period of one year from the commencement of this Order, enter into a written contract of service with the Council of the Institute, whereupon his service with the College shall be deemed to have been terminated without right to severance pay but without prejudice to all other remuneration and benefits payable upon such termination.

(3) Any employee of the Teachers' Service Commission deployed in the College before the commencement date of this Order shall be redeployed by that Commission.

27. In this Part—

"College" means the Highridge Teachers' Training College established by under the Act;

"former Institute" means the Kenya Education Staff Institute established by the Education (Kenya Education Staff Institute) Order, 1988 (now revoked).

Made on the 1st February, 2010.

S. K. ONGERI,  
*Minister for Education.*