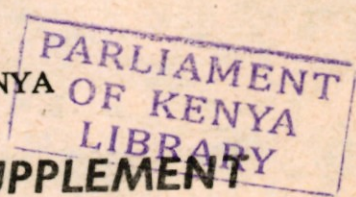




REPUBLIC OF KENYA



KENYA GAZETTE SUPPLEMENT

ACTS, 1986

NAIROBI, 24th DECEMBER, 1986

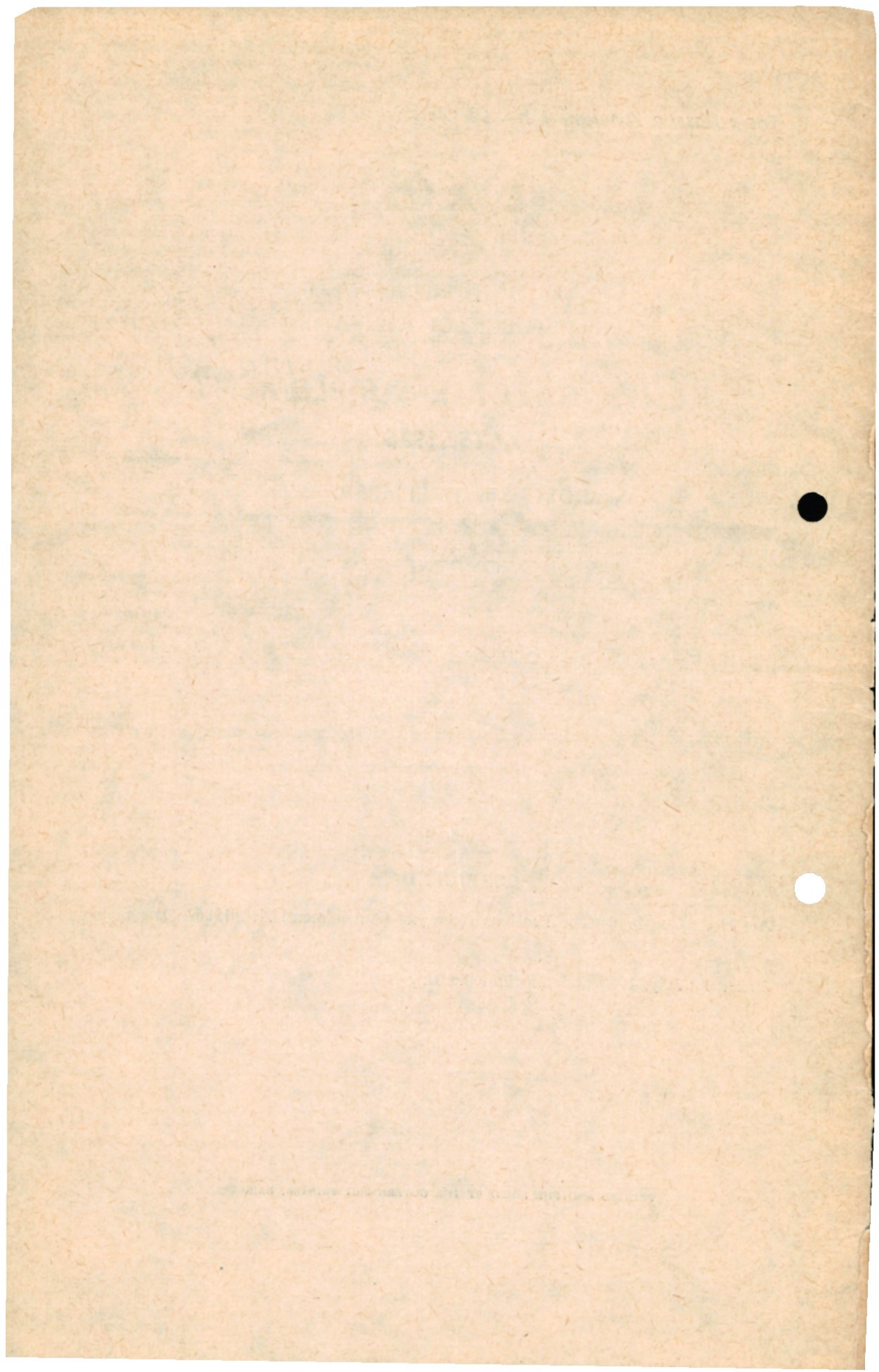
CONTENT

Act—	PAGE
The Egerton University College Act, 1986	133

CORRIGENDUM

Act No. 13 of 1986—The Pensions (Increase) (Amendment) Act, 1986—Date of Commencement—

Delete 1st July, 1986 and *substitute* 1st July, 1985.



THE EGERTON UNIVERSITY COLLEGE ACT, 1986**No. 15 of 1986***Date of Assent: 19th December, 1986**Date of Commencement: By Notice.*

ARRANGEMENT OF SECTIONS

Section

- 1—Short title and commencement.
- 2—Interpretation.
- 3—Constitution of the University College.
- 4—Winding up of the Governing Body of Egerton Agricultural College.
- 5—University College to be successor to the Governing Body of Egerton Agricultural College.
- 6—Objects and functions of the University College.
- 7—Conferment of degrees, etc.
- 8—Award of scholarships, etc.
- 9—Membership of the University College.
- 10—The Principal.
- 11—The Deputy Principals.
- 12—The Council.
- 13—Functions of the Council.
- 14—The Academic Board.
- 15—The Alumni Association.
- 16—Staff of the University College.
- 17—Performance of functions in absence of office-holder.
- 18—Financial year.
- 19—Investment of funds.
- 20—Annual estimates.
- 21—Accounts and audit.
- 22—Common seal and signification of documents.
- 23—Statutes.
- 24—Repeal of the Egerton Agricultural College Act.

An Act of Parliament to establish the Egerton University College as a constituent college of the University of Nairobi; to wind up the Governing Body of Egerton Agricultural College; to provide for the government, control and administration of the Egerton University College; and for connected purposes

ENACTED by the Parliament of Kenya as follows:—

PART I—PRELIMINARY

Short title
and commence-
ment.

1. This Act may be cited as the Egerton University College Act, 1986 and shall come into operation on such date as the President may by notice published in the Gazette appoint.

Interpre-
tation.

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

“the Academic Board” means the Academic Board of the University College established under section 14;

“the Alumni Association” means the alumni association of the University College established under section 15;

“the Council” means the Council of the University College established under section 12;

“the Deputy Principal” means a Deputy Principal appointed under section 11;

“faculty” means a faculty of the University College established by the statutes;

“graduate” means a person upon whom a degree or other academic qualification has been conferred in accordance with section 7;

“institute” means an institute in the University College established by the statutes;

“lecturer” means a person of the staff of the University College who is a full professor, associate professor, senior lecturer, lecturer, or assistant lecturer or a person who holds

any other teaching or research post which the Council, on the recommendations of the Academic Board, has recognized as a post having academic status in the University College;

“librarian” means the person appointed to be the librarian of the University College;

“the Principal” means the Principal of the University College appointed under section 10;

“the staff association” means an association of the staff recognized by the Council as being an association representative of the staff of the University College;

“student” means a person registered by the University College for the purposes of obtaining a qualification of the University College or any other person who is determined by the Academic Board to be a student;

“students’ association” means an association of the students recognized by the Council as being an organization representative of the students of the University College;

“the University College” means the Egerton University College constituted under section 3.

PART II—ESTABLISHMENT AND POWERS AND FUNCTIONS OF THE UNIVERSITY COLLEGE

3. (1) There shall be a university college known as the Egerton University College which shall be a constituent college of the University of Nairobi established under the University of Nairobi Act, 1985.

Constitution
of the University
College.

No. 11 of 1985.

(2) The University College shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name of Egerton University College be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing or lending money; and
- (d) doing or performing all such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provisions of this Act which may lawfully be done by a body corporate.

Winding-up of
Governing
Body of
Egerton
Agricultural
College.
Cap. 214.

University
College to be
successor to the
Governing Body
of Egerton
Agricultural
College.

Objects and
functions of
the University
College.

4. The Governing Body of Egerton Agricultural College established by the Egerton Agricultural College Act (now repealed) is hereby wound up.

5. (1) The University College shall be the successor to the Governing Body of Egerton Agricultural College.

(2) All rights, duties, obligations, assets and liabilities of the Governing Body of Egerton Agricultural College existing at the commencement of this Act shall be automatically and fully transferred to the University College and any reference to the Governing Body of Egerton Agricultural College or to the Egerton Agricultural College or to Egerton College in any written law or in any contract or document shall for all purposes be deemed to be a reference to the University College established under this Act.

6. (1) The objects and functions of the University College shall be—

(a) to provide directly, or in collaboration with other institutions of higher learning, facilities for university education (including agricultural, technological and professional education), the integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;

(b) to participate in the discovery, transmission and preservation of knowledge and to stimulate the intellectual life, economic, agricultural and cultural development of Kenya;

(c) to conduct examinations for such academic awards as may be provided in the statutes pertaining to the University College;

(d) to examine and make proposals for new faculties, new departments, resource and research centres, new degree courses, or new subjects of study pursuant to section 7 (1) (d) of the University of Nairobi Act.

(2) Admission to the University College as candidates for degrees, diplomas, certificates or other awards shall be open to all persons accepted as being qualified by the Academic Board in accordance with this Act and the University of

Nairobi Act, without distinction of race, tribe, place of origin or residence or other local connection, political opinion, colour, creed or sex; and no barrier based on any such distinction shall be imposed upon any person as a condition of his becoming, or continuing to be a lecturer, graduate or student of the University College, or of his holding any office therein, nor shall any preference be given to, or advantage be withheld from any person on the grounds of any such distinction.

7. (1) The degrees to be awarded by the University College shall be the degrees conferred by the University of Nairobi established by the University of Nairobi Act.

Conferment
of degrees, etc.

(2) Notwithstanding subsection (1), the University College shall have powers to grant diplomas, certificates, or other academic qualification which may for the time being be authorized by the statutes of the University College.

8. Subject to this Act, the University College may award scholarships, bursaries and prizes and make other awards which may be provided for in the statutes.

Award of
scholarships, etc.

PART III—MEMBERSHIP AND THE GOVERNMENT OF THE UNIVERSITY COLLEGE

9. The members of the University College shall be—

Membership of
the University
College.

- (a) the Chancellor of the University of Nairobi;
- (b) the Vice-Chancellor of the University of Nairobi;
- (c) the Deputy Vice-Chancellor responsible for academic affairs at the University of Nairobi;
- (d) the Principal of the University College;
- (e) the Deputy Principals of the University College;
- (f) the members of the Council;
- (g) the members of the Academic Board;
- (h) the professors, lecturers and tutors of the University College;
- (i) the librarian of the University College;
- (j) the students;

- (k) such other members of the staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

The Principal.

10. (1) There shall be a Principal of the University College who shall be appointed by the President on the advice of the Council.

(2) The Principal shall be the chief executive of the University College and shall—

- (a) have overall responsibility for the direction, organization, administration and programmes of the University College;
- (b) be the chairman of the Academic Board; and
- (c) be responsible to the Council for the general conduct and discipline of the students.

(3) The Principal shall hold office upon such terms and for such period as may be provided by the statutes and upon the expiration of the period shall be eligible for re-appointment.

The Deputy Principals.

11. (1) The Council shall appoint three Deputy Principals for academic, administration and research and extension affairs who shall, under the general authority of the Principal, exercise such powers and perform such duties as may be provided in the statutes.

(2) A Deputy Principal shall hold office for such period as may be provided in the statutes, and upon the expiration of that period shall be eligible for re-appointment.

The Council.

12. There shall be a Council of the University College which shall consist of—

- (a) a chairman, a vice-chairman and an honorary treasurer all of whom shall be appointed by the President;
- (b) the Vice-Chancellor and one of the Deputy Vice-Chancellors of the University of Nairobi;
- (c) the Principal;
- (d) two persons being members of the Council of the University of Nairobi appointed by that Council;

- (e) three persons being members of the Senate of the University of Nairobi appointed by that Senate;
- (f) two persons appointed by the Academic Board from among its members;
- (g) two members elected by the students' association;
- (h) two members co-opted by the Council from time to time;
- (i) the Permanent Secretary to the Treasury;
- (j) the Permanent Secretary in the Ministry for the time being responsible for matters relating to education;
- (k) the Permanent Secretary in the Ministry for the time being responsible for matters relating to agriculture;
- (l) the Director of Personnel Management;
- (m) not more than seven members appointed by the President to represent the Government.

(2) Subject to subsection (3), a member of the Council other than an *ex-officio* member, shall hold office for a period of three years, but shall be eligible for re-appointment.

(3) The office of a member of the Council shall become vacant—

- (a) if, not being an *ex-officio* member, he resigns his office by writing under his hand addressed to the Deputy Principal responsible for administration;
- (b) if the Council is satisfied that the member is, by reason of physical or mental infirmity, unable to exercise the functions of his office;
- (c) upon his death.

(4) Where the office of a member of the Council becomes vacant, the Deputy Principal responsible for administration shall forthwith notify the vacancy to the appropriate appointing body or person.

13. (1) Subject to this Act, the Council shall be the governing body of the University College through which the University College as a body corporate shall act and—

- (a) shall administer the property and funds of the University College in a manner and for purposes which

Functions of
the Council.

No. 11 of 1986.

shall promote the best interests of the University College; but the Council shall not charge or dispose of immovable property of the University College except in accordance with the procedures laid down by the State Corporations Advisory Committee established under the State Corporations Act, 1986;

- (b) shall receive, on behalf of the University College, donations, endowments therefrom to other bodies or persons;
- (c) shall provide for the welfare of the staff and students of the University College;
- (d) may enter into association with other universities, university colleges or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate;
- (e) may, after consultation with the Academic Board, make regulations governing the conduct and discipline of the students of the University College.

(2) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council, may be signified under the hand of the chairman, the Principal and the Deputy Principal responsible for administration or any other members of the Council generally or specially authorized by the Council in that behalf.

The Academic Board.

14. (1) There shall be an Academic Board of the University College which shall consist of—

- (a) the Principal, who shall be the chairman;
- (b) the Deputy Principals;
- (c) the deans of the faculties and directors of institutes, research centres and schools;
- (d) the heads of the teaching departments of the University College;
- (e) the librarian;
- (f) one representative of each of the faculty boards appointed by that board from among its members;

(g) two members elected by the students' association; except that the members of the students' association shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the Principal to be confidential and which relate to examinations, the general discipline of students and other related matters.

(2) The Academic Board shall have the following powers and duties—

(a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University College, and to report its findings thereon to the Senate of the University of Nairobi;

(b) to propose regulations for consideration by the Senate of the University of Nairobi regarding the eligibility of persons for admission to a course of study;

(c) to propose regulations for consideration by the Senate of the University of Nairobi regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University College;

(d) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other award of the University College, and to report its decision thereon to the Senate of the University of Nairobi.

(e) to initiate proposals relating to the conduct of the University College generally and to discuss any matters relating to the University College and to make representations thereon to the Council;

(f) to make regulations governing such other matters as are within its powers in accordance with this Act or the statutes.

(3) Notwithstanding any other provision of this Act, the Senate of the University of Nairobi shall not initiate any action in respect of paragraphs (a), (b) or (c) of subsection (2) except upon receipt of a report or proposal thereunder and the Senate

shall not reject any such report or reject or amend any regulations as proposed without further reference to the Academic Board.

**The Alumni
Association.**

15. (1) There shall be an Alumni Association of the University College which shall consist of graduates and such other person as may be prescribed by the statutes.

(2) The Alumni Association shall have the right to meet and discuss any matter relating to the University College and to transmit resolutions thereon to the Council and Academic Board, and may exercise such other functions as may be prescribed in the statutes.

**Staff of the
University
College.**

16. (1) The academic staff of the University College shall consist of the Deputy Principal responsible for academic affairs, the Deputy Principal responsible for research and extension, the librarian and all members of the staff who are engaged in teaching or research or extension.

(2) The administrative staff of the University College shall consist of the Deputy Principal responsible for administration, a finance officer and such other members of the staff, not being engaged in teaching or research or extension as the Council may, from time to time, determine.

(3) All the members of the staff of the University College shall, subject to this Act, be appointed by the Council and shall be so appointed either—

(a) in the manner and upon the terms and conditions of service prescribed by the statutes; or

(b) in the case of a person seconded to the service of the University College from the service of a university, another university college or similar institution, the Government or any other public service, on terms and conditions agreed between the Council and the seconding body.

(4) The Council may, subject to such restrictions as it may impose, delegate, either generally or specially, to any person or committee the power to appoint any member of the staff of the University College.

(5) All members of the staff of the University College shall—

- (a) be subject to the general authority of the Council and of the Principal;
- (b) be deemed to be employed on a full-time basis except as otherwise specifically provided by the statutes or by the terms of a particular appointment.

17. (1) In the event of the incapacity of the Principal the Council may appoint one of the Deputy Principals to carry out the functions of the Principal during the incapacity.

Performance
of functions
in absence
of office-holder.

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, the President, after consultation with the chairman of the Council, may appoint any member of the academic staff of the University College to perform the functions of the Principal during the incapacity.

(3) In the event of the incapacity of a member of the staff of the University College other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of the member during the incapacity.

(4) In this section "incapacity" means absence from Kenya or inability for any other reason to perform the functions of the office concerned.

PART IV—FINANCIAL PROVISIONS

18. (1) The financial year of the University College shall be the period of twelve months commencing on the 1st July and ending on the 30th June in a year.

Financial
year.

(2) If upon the commencement of this Act there is any change in the financial year of the Governing Body of Egerton Agricultural College existing immediately before such commencement, then for the purposes of the transition from the old financial year under subsection (1) consequent upon the change, the transitional period, whether more or less than twelve months, shall be deemed for the purposes of this Act to be a financial year.

19. (1) The Council may invest any of the funds of the University College in securities in which for the time being

Investment
of funds.

trustees may by law invest in trust funds or in any other securities which the Treasury may from time to time approve for the purpose.

(2) The Council may place on deposit with such bank or banks as it may determine any monies not immediately required for the purposes of the University College.

**Annual
estimates.**

20. (1) Before the commencement of a financial year the Council shall cause to be prepared estimates of the revenue and expenditure of the University College for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the University College for the financial year concerned, and in particular shall provide—

- (a) for the payment of the salaries, allowances, and other charges in respect of the staff of the University College;
- (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University College;
- (c) for the proper maintenance of the buildings and grounds of the University College;
- (d) for the proper maintenance, repair and replacement of the equipment and other movable property of the University College;
- (e) for the funding of the cost of teaching and research and extension activities of and in the University College;
- (f) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of buildings or equipment and in respect of such other matters as the Council may think fit.

(3) Annual estimates shall be approved by the Council 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 Council shall not increase any sum provided in the estimates without the consent of the Minister.

(4) No expenditure shall be incurred for the purposes of the University College except in accordance with the annual estimates approved under subsection (3) or in pursuance of an authorization of the Council given with the prior approval of the Minister.

21. (1) The Council shall cause to be kept all proper books and records of account of the income, expenditure and assets of the University College.

Accounts and
audit.

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

(a) a statement of income and expenditure during that year; and

(b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Auditor-General (Corporations) or an auditor appointed by the Council with the approval of the Minister in concurrence with the Auditor-General (Corporations).

(4) The Auditor-General (Corporations) may give general or special directions to an auditor appointed under subsection (3) and the auditor shall comply with those 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 six months after the end of the financial year the auditor shall report on the examination and audit of the accounts of the University College to the Council and the Minister, and where the auditor has been appointed under subsection (3) he shall also transmit a copy of the report and accounts to the Auditor-General (Corporations).

(7) Nothing in this Act shall be construed as prohibiting the Auditor-General (Corporations) from carrying out the inspection of the University College accounts or records if it appears to him desirable.

(8) Notwithstanding anything in this Act, the Auditor-General (Corporations) may transmit to the Minister a special

Cap. 412.

report on any matters incidental to his powers under this Act, and subsections (3) and (4) of section 29 of the Exchequer and Audit Act shall *mutatis mutandis* apply to any report made under this section.

(9) The Minister shall lay the auditors report before the National Assembly as soon as practicable after the report has been submitted to him under this section.

PART V—MISCELLANEOUS PROVISIONS

Common seal
and signification
of documents.

22. (1) The common seal of the University College shall be kept in such custody as the Council directs and shall not be used except upon the order of the Council.

(2) The common seal of the University College shall be authenticated by the signature of the Principal or of one other member of the Council duly authorized by the Council in that behalf and of the Deputy Principal responsible for administration as secretary to the Council.

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

Statutes.

23. (1) In the performance of its functions under this Act, the Council shall, subject to this Act, make statutes generally for the government, control and administration of the University College and for the better carrying into effect of the purposes of this Act, and in particular for—

- (a) the establishment of faculties, institutes and schools of the University College;
- (b) the description of degrees, diplomas, certificates and other academic qualifications;
- (c) the requirements for the award of degrees, diplomas, certificates and other academic qualifications;
- (d) the conduct of examinations;
- (e) prescribing fees and boarding charges;
- (f) settling the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the University College;

(g) the constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council;

(h) prescribing the rules and regulations for the students' association.

(2) Notwithstanding subsection (1), the Council shall not make, amend or revoke any statutes relating to the functions and privileges of the Principal or the Academic Board without first ascertaining the opinion of the Academic Board.

(3) Statutes shall only be made by resolution passed at one meeting of the Council supported by a majority of not less than three-fourths of the members present and voting being not less than half of the total membership of the Council.

(4) Statutes or regulations made by the Academic Board under this Act shall be published in the Gazette but sections 27, 31 (e) and 34 of the Interpretation and General Provisions Act shall not apply to the Statutes or to the regulations.

Cap. 2.

24. The Egerton Agricultural College Act is repealed.

Repeal of
Cap. 214.

The first part of the document is a letter from the Secretary of the State to the Governor, dated the 1st day of January, 1862. The letter is addressed to the Governor and is signed by the Secretary. The letter contains the following text:

Sir, I have the honor to acknowledge the receipt of your letter of the 29th inst. in relation to the application of the State of New York for the admission of the State of New York to the Union. I have the honor to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully, your obedient servant,

J. B. Thompson, Secretary of the State.

The second part of the document is a report from the Secretary of the State to the Governor, dated the 1st day of January, 1862. The report is addressed to the Governor and is signed by the Secretary. The report contains the following text:

Sir, I have the honor to acknowledge the receipt of your letter of the 29th inst. in relation to the application of the State of New York for the admission of the State of New York to the Union. I have the honor to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully, your obedient servant,

J. B. Thompson, Secretary of the State.

