



LAWS OF KENYA

ANIMAL TECHNICIANS ACT

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ANIMAL TECHNICIANS ACT

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SCHEDULE – PROVISIONS AS TO THE CONDUCT OF BUSINESS AND
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NO. 11 OF 2010

ANIMAL TECHNICIANS ACT

*[Date of assent: 21st December, 2010.]**[Date of commencement: By Notice.]*

An Act of Parliament to provide for the training, registration and licensing of animal technicians, to provide for the regulation of the standards and practice of the profession of animal technicians, excluding matters concerning animal health and food safety, and for connected purposes

PART I – PRELIMINARY

1. Short title and commencement

This Act may be cited as the Animal Technicians Act, 2010 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint which date shall not be later than ninety days from the date of publication.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**animal technician**” means a person registered as such under section 17;

“**Council**” means the Animal Technicians Council established under section 4;

“**Disciplinary Committee**” means the Committee established under section 30;

“**Minister**” means the Minister for the time being responsible for matters relating to livestock development;

“**Principal Animal Technician**” means an officer in the public service designated as such;

“**Registrar**” means the Registrar of Animal Technicians as provided under section 15; and

“**veterinary surgeon**” has the meaning assigned to the term in the Veterinary Surgeons Act (Cap. 366).

3. Application

(1) Subject to the provisions of this Act, no person shall, unless he is registered under this Act, practise or hold himself out whether directly or by implication, as practising or being prepared to practise as an animal technician.

(2) Nothing in this Act shall be construed as derogating from the provisions of the Veterinary Surgeons Act (Cap. 366) relating to the practice of veterinary medicine and surgery.

PART II – ESTABLISHMENT, POWERS AND FUNCTIONS OF THE COUNCIL

4. Establishment of the Council

(1) There is established a Council to be known as the Animal Technicians Council.

(2) The Council 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 money or making investments; and
- (d) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

5. Functions of the Council

The functions of the Council shall be to—

- (a) establish and improve standards of service for animal technicians;
- (b) safeguard the interests of all animal technicians;
- (c) prescribe in consultation with such training institutions as the Council may approve, the syllabuses of instruction and courses of training for persons seeking registration under this Act;
- (d) consider and approve the qualification of animal technicians for the purpose of registration under this Act;
- (e) license and regulate the business and practice of animal technicians;
- (f) regulate the professional conduct of persons registered or licensed under this Act, and take such disciplinary measures as may be necessary to maintain a proper standard of conduct among such persons;
- (g) direct and supervise the compilation and maintenance of register, and records required to be kept under section 16;
- (h) in collaboration with the Kenya Veterinary Board, perform such other functions as may be necessary for the proper administration of this Act.

6. Membership of the Council

(1) The Council shall consist of—

- (a) a chairperson who shall be a registered animal technician appointed by the Minister;

- (b) the Director of Veterinary Service;
- (c) the Registrar;
- (d) the Principal Animal Technician or a person deputed by him in writing;
- (e) nine other persons who are registered animal technicians and actively engaged in animal production, elected by registered animal technicians in such manner as may be prescribed, and appointed by the Minister.

(2) The following persons appointed shall be by the Minister—

- (a) one person from an approved training institution dealing with livestock development;
- (b) one person representing the Kenya Association of Livestock Technician;
- (c) one person representing a society whose object is the protection and care of animals.

(3) The Minister shall make rules for the election of members under subsection (1)(e).

7. Conduct of business and affairs of the Council

The conduct and regulation of the business and affairs of the Council shall be as provided in the Schedule.

8. Chief Executive Officer

(1) There shall be a Chief Executive Officer who shall be appointed by the Council and whose terms and conditions of service shall be determined by the Council in the instrument of appointment or otherwise in writing from time to time.

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

(3) A person shall not be appointed as the Chief Executive Officer unless such person—

- (a) is registered or qualified to be registered as an animal technician under this Act;
- (b) has at least five years post-qualification working experience in a managerial position;
- (c) is a person of integrity.

(4) The Chief Executive Officer shall—

- (a) be the secretary to the Council;
- (b) subject to the directions of the Council be responsible for the day-to-day management of the affairs and staff of the Council; and
- (c) perform such other functions as the Council may, from time to time, determine.

9. Delegation by the Council

Subject to this Act, the Council may, either generally or in a particular case, delegate to any Committee of the Council or to any member, officer, employee or agent of the Council, the exercise of any of the functions of the Council under this Act.

10. Remuneration of the Council members

The Council shall pay to its members such remuneration, fees or allowances for expenses as it may determine with the approval of the Minister.

11. Staff of the Council

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

12. Protection from personal liability

(1) No matter or thing done by any member of the Council or by officer, employee, agent or servant thereof shall, if the act or omission was done *bona fide* for the purposes of executing a function, power or duty under the Act, render such member, officer, employee, agent or servant personally liable to any action, claim or demand whatsoever.

(2) The provisions of subsection (1) shall not relieve the Council of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by the exercise of any power conferred by this Act or by the failure, whether wholly or partially, or any works.

13. The common seal

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

(2) Affixing of the common seal of the Council 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 Council may be authenticated by the signatures of the Chairperson and the Chief Executive Officer.

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

14. Contracts and instruments

The 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 Council by any person generally or specially authorized by the Council for that purpose.

PART III – REGISTRATION AND LICENSING OF ANIMAL TECHNICIANS

15. The Registrar

The Council shall, with the approval of the Minister appoint a Registrar, who shall be a registered animal technician and who shall perform such duties in connection with the register as the Council may direct.

16. Register to be kept

(1) The Registrar shall keep or cause to be kept a register which shall contain—

- (a) a list of the names and qualifications of all registered animal technicians;
- (b) a list of the names and qualifications of all persons issued with annual private practice licences; and
- (c) such other details as the Council may direct.

(2) The Registrar shall keep up to date or cause to be kept up to date the register and records required to be kept under or for the purposes of this Act, subject to any directions which may from time to time be issued to him by the Council.

(3) The Registrar shall not later than the 31st January in every year, cause to be published in the *Gazette*, the names from the lists referred to in subsection (1), and any person whose name does not appear in the *Gazette* shall be deemed not to be registered under this Act.

17. Qualifications for registration as an animal technician

A person shall be eligible to be registered as an animal technician if such person—

- (a) is of good conduct;
- (b) has paid the prescribed registration fees;
- (c) has successfully undergone a minimum of a two year post-secondary school training course in range management or leather technology in any training institution in Kenya recognized by the Council; or
- (d) has attended a course of instruction recognized by the Council as being equivalent to the course specified in paragraph (c), at any training institution outside Kenya approved by the Council; or
- (e) holds such other qualifications as the Council may prescribe.

18. Retention fee

Every registered animal technician whose name appears on the register kept under section 16 shall pay annually or at such longer intervals as the Council may deem appropriate a fee to be known as retention fee as a condition for maintaining his name in the register.

19. Application for registration

(1) A person wishing to be registered as an animal technician under this Act may apply to the Registrar.

(2) An application under this section shall be made in the prescribed manner and form and shall be accompanied by the prescribed fee.

(3) Where an application is made by a person in accordance with this section, the Council shall approve the application if it is satisfied that the person meets the requirements specified under section 17.

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

20. Certificate of registration

The Council shall issue to every person registered under this Act a certificate of registration in the prescribed form.

21. Removal of names from the register

(1) The Council may, at any time, direct that the name of a person be removed from the register where such person—

- (a) requests that his name be removed from the register, in which case such person may be required to satisfy the Council by an affidavit lodged with the Registrar that no criminal proceedings under this Act have been instituted or are likely to be instituted against him;
- (b) is found by the Council to be guilty of professional misconduct in accordance with this Act.

(2) The Registrar shall remove from the register—

- (a) the names of every deceased person;
- (b) any entry which has been incorrectly or fraudulently made.

(3) 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.

(4) Subject to the provisions of this Act, the removal of a person's name from the register shall be notified by the Registrar to the person by registered mail addressed to the address appearing in the register against his name immediately before such removal.

(5) Where the name of any person has been removed from the register under this Act, such name shall not be reinstated except by direction of the Council.

(6) A person whose name has been removed from the register shall cease to be registered for the purpose of this Act from the date of such removal.

22. Correction of register

The Registrar shall from time to time make any necessary alteration or correction in the register in relation to any entry therein.

23. Reinstatement of name in the register

Where the name of any person has been removed from the register, the Council may, either of its own motion or on the application by the person concerned made in the prescribed manner, and in either case after holding such inquiry as the Council thinks fit, direct that—

- (a) the removal of such person's name from the register be confirmed; or
- (b) the name of the person be restored in the register.

PART IV – PROVISIONS RELATING TO PRIVATE PRACTICE**24. Qualifications for private practice**

(1) Subject to this Act, no person shall be qualified to engage in private practice as an animal technician unless such person—

- (a) is a Kenyan citizen;
- (b) is registered under this Act;
- (c) holds a valid licence issued under this Act;
- (d) has served as an animal technician under supervision of a veterinary surgeon, animal health practitioner or registered animal technician for a period of not less than three years after being registered;
- (e) holds such other qualification as the Council may prescribe.

(2) For the purposes of this Act, a person shall be deemed to engage in private practice if he practises as an animal technician—

- (a) on his own account and is 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 while he is employed—

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

(3) A person who engages in private practice as an animal technician 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 both.

25. Licence for private practice

A person shall not engage in private practice unless he has been issued with a valid licence to practise.

26. Application for annual licence

(1) An application for an annual licence under this section 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 an animal technician.

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

(3) Where an application is made by a person in accordance with this section, the Registrar shall issue such a person an annual licence to practise if satisfied that the person—

- (a) holds a certificate of registration; and
- (b) meets such other requirement as may be prescribed, and if not satisfied, shall refuse the applications.

(4) Every annual licence shall bear the date on which it is issued and be effective from that date and shall expire at the end of the licence year in which it is issued unless its holder ceases to be a registered member under this Act.

(5) Where an annual licence ceases to be in force in accordance with subsection (4), the person to whom the licence was issued shall deliver it to the Council within thirty days from the date on which he ceases to be registered.

(6) Any person who without reasonable excuse contravenes subsection (5) commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings.

(7) Where the name of a person registered as an animal technician is removed from the register, the annual licence of that person shall be cancelled forthwith.

27. Validity of the licence

An annual licence issued under this Act shall be valid from the date of issue to the thirty first December of the year of issue.

28. Renewal of annual licence

(1) On expiry, a licence may be renewed for a further period not exceeding one year.

(2) Where a licence expires and is not renewed, the name of the holder of the licence shall be removed from the register.

29. Use of title

A person registered under this Act shall—

- (a) by virtue of being so registered, be entitled to take and use the title and description of animal technician; and

- (b) not take or use, or affix to or use in connection with his premises, any title or description, in addition to that of an animal technician, other than as indicated by the particulars relating to his qualifications entered in the register.

PART V – DISCIPLINARY PROVISIONS

30. The Disciplinary Committee

- (1) There shall be a committee to be known as the Disciplinary Committee.
- (2) The Committee shall consist of the following members—
 - (a) a chairperson appointed by the Council who shall be a qualified animal technician with at least ten years' experience;
 - (b) the Attorney-General or his representative;
 - (c) the Registrar, who shall be the secretary;
 - (d) one person nominated by the Minister, who shall not be a member of the Council;
 - (e) two animal technicians from private practice nominated by the Council, who shall not be members of the Council.

31. Reference of matters to the Committee

- (1) If the Council 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 Council, has dishonoured him in the public estimation;
 - (b) has been guilty of negligence or malpractice in respect of his profession; or
 - (c) has been guilty of impropriety or misconduct, whether in respect of his profession or not,

it may refer the matter to the Disciplinary Committee.

32. Inquiry by the Disciplinary Committee

(1) Upon inquiry held by the Disciplinary Committee, the person whose conduct is being inquired into shall be afforded an opportunity to be heard in person.

(2) For the purpose of proceedings at any inquiry held by the Disciplinary Committee, the Committee may administer oaths, and may subject to any regulations made under this Act, enforce attendance of persons as witnesses and the production of books and documents.

(3) The Disciplinary Committee shall, subject to any regulations made under this Act, have power to regulate its own procedure.

33. Powers of the Disciplinary Committee

(1) Where, on recommendation of the Disciplinary Committee, the Council is satisfied that an animal technician is in breach of any of the terms or conditions prescribed by the Council under section 31, the Council may—

- (a) issue the animal technician with a letter of admonishment;
- (b) suspend the registration of the animal technician for a specified period not exceeding twelve months;
- (c) withdraw or cancel the licence of the animal technician for such period not exceeding five years as may be appropriate;
- (d) impose a fine which the Council deems appropriate in the circumstances; or
- (e) remove the name of the animal technician from the register.

(2) The Council shall as soon as practically possible inform the animal technician of the action to be taken against him.

(3) Any person whose name has been removed from the register or whose licence has been suspended shall forthwith surrender to the Council his certificate of registration or annual licence.

(4) Any person being a registered animal technician who refuses or fails to surrender his certificate of registration or licence to the Council shall be guilty of professional misconduct and shall be liable to a fine not exceeding twenty thousand shillings.

(5) Any person aggrieved by the decision of the Council in the exercise of its powers under this section may within sixty days from the date of the decision of the Council, appeal to the High Court and in any such appeal, the High Court may annul or vary the decision as it thinks fit.

34. Lifting of suspension

(1) Where an animal technician has been suspended from practising, he may appeal to the Council for the lifting of the suspension at any time before the expiry thereof.

(2) Where the Council is satisfied in respect of any animal technician that he should have his suspension lifted, the Council shall, upon the receipt of the prescribed fee, lift the suspension and restore to the animal technician, his registration and annual license.

PART VI – FINANCIAL PROVISIONS**35. Funds of the Council**

The funds of the Council shall comprise of—

- (a) such monies as may accrue to or vest in the Council 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 Council.

36. Financial year

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

37. Annual estimates

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

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

- (a) the payment of salaries, allowances and other changes in respect of the staff of the Council;
- (b) the payment of pensions, gratuity and other changes in respect of retirement benefits which are payable out of the funds of the Council;
- (c) the acquisition, maintenance, repair and replacement of the equipment and other movable properties of the Council;
- (d) the proper maintenance of buildings and grounds of the Council;
- (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 Council may deem as appropriate.

(3) The 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.

38. Accounts and Audit

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

(2) Within a period of three months after the end of each financial year, the Council shall submit to the Controller and Auditor-General, the accounts of the Council in respect of that year together with—

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

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

39. Investment of funds

(1) The Council may invest any of the funds of the Council 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.

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

PART VII – MISCELLANEOUS PROVISIONS

40. Offences by persons not eligible to be registered or licensed

(1) A person who, not being eligible to be registered or licensed under this Act, uses any title appropriate to a person so registered or licensed, or holds himself out directly or indirectly as being so registered or licensed, commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding two years, or to both.

(2) A person who, not being eligible to be registered or licensed under this Act, practises for gain as an animal technician, commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding two years, or to both.

(3) Nothing in this section shall prohibit persons in employment in the service of the Government, or an approved institution, from performing their duties under the supervision of a veterinary practitioner or of a person registered or licensed under this Act.

41. Offences by persons eligible to be registered or licensed

A person who, though eligible to be registered or licensed under this Act, is not so registered or licensed but practises as an animal technician, commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding two years, or to both.

42. Employment of unregistered staff

A person who employs another person as an animal technician while that other person is not registered or licensed under this Act, commits an offence, and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years, or to both.

43. Falsification of registers or records

A person who wilfully makes or causes to be made any false entry in, or falsification of, any register or record kept under this Act, or who presents or attempts to present himself or any person to be registered or licensed under this Act by making or producing or causing to be made or produced a false or fraudulent representation or declaration, either orally or in writing, commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

44. General penalty

A person convicted of an offence under this Act for which no penalty is provided shall be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

45. Regulations

The Council 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, may make regulations to provide for—

- (a) the form and method of keeping the register and records under this Act;
- (b) the conditions of admission to the register and of the issue of licences;
- (c) the manner in which the training of the persons for whom provision is made in the Act for registration may be established and their training regulated;
- (d) the conditions under which training institutions for persons desirous of obtaining registration under this Act may be approved and the courses of training and instruction to be undergone by persons seeking such registration;
- (e) the subject matter of training courses and examinations to be conducted by the Council;
- (f) the conditions of admission for entry to training courses and examinations to be conducted by the Council;
- (g) the standards and conditions of professional practice of persons registered or licensed under this Act;
- (h) the fees payable in respect of examinations, registration, issue of licences and in respect of any other matters under this Act;
- (i) the procedure for election of those members of the Council who are required to be elected;
- (j) the summoning of meetings of and the direction of the proceedings of the Council;
- (k) the powers and duties of local supervising authorities;
- (l) the disposal of fees collected, the authorization of such disbursements, as may be necessary and the management of any funds within the control of the Council;
- (m) the keeping and opening of new registers and records or parts thereof.

SCHEDULE

[Section 7.]

**PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF
THE COUNCIL****1. Tenure of office**

A member of the Council shall hold office for a period of three years and shall be eligible for re-appointment for a further and final term of three years.

2. Disqualification of appointment

A person shall not be qualified for appointment as a member of the Council if—

- (a) he is adjudged bankrupt; or
- (b) his name has been removed from the register or his registration, or licence has been suspended under section 33.

3. Vacation of office

An office of a member of the Council shall become vacant if the member—

- (a) dies;
- (b) becomes subject to any of the disqualifications referred to in paragraph 2;
- (c) resigns the office by writing under his hand delivered to the chairperson of the Council;
- (d) is absent without the permission of the chairperson from three or more consecutive meetings of the Council;
- (e) is convicted of an offence and sentenced to imprisonment for a term of six months or more without the option of a fine;
- (f) is found guilty of an offence under section 31 of the Act which in the opinion of the Council renders him unsuitable to continue to hold office;
- (g) becomes for any reason including infirmity of body or mind, incompetent or incapable of performing the functions of the office; or
- (h) is otherwise unable to discharge his functions.

4. Filling of vacancy

A vacancy in the office of a member under paragraph 3 shall be filled, by a person appointed by the Minister in accordance with the provisions of this Schedule.

5. Vice chairperson

The Council shall, at its first meeting, elect a vice chairperson from amongst the persons appointed under section 6(1)(e) of this Act.

6. Meetings of the Council

The Council shall meet at least four times in each year.

7. Special meetings

The Chairperson may at any time convene a special meeting of the Council and shall do so within fifteen days of a written requisition for the meeting signed by at least three members.

8. Chairperson to preside

(1) The Chairperson shall preside at all meetings of the Council, which he is present and in the case of his absence, the Vice Chairperson shall preside.

(2) At a meeting of the Council at which neither the Chairperson or Vice Chairperson is present, the members of the Council present shall elect one of their number to preside, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

9. Quorum

The quorum for the conduct of the business of the Council shall be nine members.

10. Voting procedure

The decisions of the Council shall be by a majority of votes, and the Chairperson of the meeting shall have an original and a casting vote.

11. Validity of proceedings

The validity of any proceedings of the Council shall not be affected by any vacancy among the membership thereof, or by any defect in the appointment of a member thereof.

12. Minutes

Minutes of the proceedings at meetings of the Council shall be kept in such a manner as the Council directs, and, on the written request of the Minister, shall be made available to him or any person nominated by him.

13. Committees of the Council

The Council may establish such committees as may be necessary for the performance of the functions of the Council and may, subject to the provisions of this Act, delegate powers conferred on it to any such committee.

14. Power of the Council to regulate own procedure

Subject to the provisions of this Schedule, the Council shall regulate its own procedure.

15. Disclosure of interest

(1) If a member of the Council is directly or indirectly interested in any contract, proposed contract or other matter before the Council and is present at a meeting of the Council 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.

