

9th September, 2011

LEGAL NOTICE NO. 114

THE STATE CORPORATIONS ACT  
(Cap. 446)

IN EXERCISE of the powers conferred by section 3(1) of the State Corporations Act, I, Mwai Kibaki, President and Commander-in-Chief of the Kenya Defence Forces, make the following Order:—

**THE KENYA LEATHER DEVELOPMENT COUNCIL ORDER, 2011**

Citation.

1. This Order may be cited as the Kenya Leather Development Council Order, 2011.

Interpretation.

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

"Board" means the Board of the Council established under paragraph 4;

"Council" means the Kenya Leather Development Council established under paragraph 3;

"Minister" means the Minister for the time being responsible for matters relating to livestock.

Establishment of the Council.

LN 65/2010.

3. (1) There is established a state corporation to be known as the Kenya Leather Development Council, which shall be a body corporate in accordance with section 3 of the Act.

(2)The Council shall be a successor to the body formerly known as the Leather Development Council established under the Hide, Skin and Leather Trade (Leather Development Council) Rules, 2010.

(3)The headquarters of the Council shall be in Nairobi.

Board of the Council.

4. (1) There shall be a Board of the Council to perform the functions of the Council consisting of the following members-

(a) a chairperson appointed by the President;

(b) the Permanent Secretary of the Ministry for the time being responsible for matters relating to livestock;

(c) the Permanent Secretary of the Ministry for the time being responsible for matters relating to finance;

(d) the chief executive officer of the Council appointed under paragraph 8;

(e) seven members appointed by the Minister and who shall have an interest in the leather industry and other relevant qualification or experience.

(2) A person shall not be qualified to be appointed a chairperson under paragraph (1) (a) unless that person

(a) holds a university degree or its equivalent in a discipline related to leather industry from a university recognised in Kenya and has at least five years' experience in the leather industry; or

(b) has at least ten years' experience in the leather industry where that person is not a holder of a university degree.

(3) The chairperson and members appointed under subparagraph (1) (a) and (e) respectively shall serve for a term of three years and are eligible for reappointment for a further term of three years.

(4) The Chairperson and members of the Board appointed under subparagraph (1) (a) and (e) respectively shall cease to hold office if that person

(a) resigns from office as such in writing addressed to the appointing authority;

(b) is absent from three consecutive meetings of the Board without justifiable cause;

(c) is adjudged bankrupt;

(d) is incapacitated by prolonged physical or mental illness;

(e) ceases to represent the interest in respect of which he was appointed to the Board;

(f) is otherwise unable or unfit to discharge the functions of the office;

(g) is convicted of a criminal offence for which the sentence is imprisonment for more than six months.

Functions of the Council.

5. The Council shall in respect of the leather industry have the following functions—

(a) to provide advisory services to the Minister on matters relating to processing of and trade in hides, skins, leather and leather goods for planning purposes;

(b) to promote, direct, coordinate and harmonize all activities in the leather subsector;

(c) to guide the implementation of the Board's policies and strategies;

(d) to undertake research and development activities;

(e) to oversee licensing in the leather subsector;

(f) to collect, store, analyze and disseminate data on leather subsector;

(g) to enhance inertial and external marketing strategies; and

(h) to perform such other function as the Minister may consider necessary.

Powers of the Board.

6. The Board shall have all powers necessary for the proper performance of the functions of the Council under this Order and, in particular but without prejudice to the generality of the foregoing, the Board shall have power to-

(a) regulate the production and marketing of hides, skins, leather and leather goods;

(b) impose restrictions on the quantity and quality of hides, skins, leather and leather goods;

(c) raise such funds on such terms and for such purposes as may be approved by the Minister after consultation with the Minister for the time being responsible for matters relating to finance;

(d) investigate and research into all matters relating to the leather subsector generally and in particular production, processing, value addition and marketing of hides, skins, leather and leather goods;

(e) initiate, promote and enforce standards of compliance to ensure observance and compliance with local and international standards in liaison with relevant organizations or bodies.

Meetings of the Board.

7. (1) The chairperson shall preside at all meetings of the Board, and when absent, the other members present at the meeting shall appoint one of their member to act as chairperson at that meeting.

(2) The quorum for the Board meeting shall be two-thirds of the members.

(3) The Board may co-opt for such period, as it may think fit not more than three persons, whose assistance or advice it may require, but persons so co-opted shall not be counted as members for the purpose of forming a quorum and shall not be entitled to vote at any meeting of the Board.

(4) Every decision of the Board shall be by a simple majority of the members present and voting but the chairperson or the person appointed to be the chairperson under subparagraph (1), shall have a casting as well as a deliberative vote.

(5) Subject to this Order, the Board may regulate its own proceedings.

Chief Executive officer.

8. (1) There shall be a chief executive officer of the Council appointed by the Minister on the recommendation of the Board and who shall be the secretary to the Board.

(2) The chief executive officer shall possess a university degree in a leather related field from a university recognised in Kenya and shall be well versed in the leather subsector.

(3) The appointment of the chief Executive officer shall be for a five-year contract renewable only once for a period not exceeding five years.

Appointment of staff.

9. The Council shall appoint upon such terms and conditions as it deems proper such officers and employees as it considers necessary for the efficient operation of the Council.

Remuneration.

10. The Council shall pay such remuneration, fees, allowances and such other reimbursement to members of the Board as may be approved by the Treasury.

Delegation of Powers.

11. The Board may delegate any of its powers to any of its committees or to the chief executive officer.

Execution of documents.

12. (1) The seal of the Council shall be authenticated by the signature of the chairperson and the chief executive officer, or by either the Chairperson or the chief executive officer, together with one member other than an ex-officio member of the Board authorized in writing by the Council in that behalf.

(2) Any document, other than a document which is required by any law to be under seal, and any decision of the Council, may be signified under the hand of the chairperson, or the chief executive officer or of any other member of the Board or any other person authorized in writing by the Board in that behalf.

Funds of the Council.

13. The funds and assets of the Council shall consist of -

(a) such monies or assets 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 Order;

(b) any moneys which may in any manner become payable to or vested in the Council in respect of any matter incidental to the carrying out of its functions;

(c) such gifts as may be made to the Council;

(d) such moneys as may be appropriated by Parliament for the purposes of the Council; and

(e) all moneys from any other source provided, donated or lent to the Council.

Financial year

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

Annual estimates.

15. (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 Council for that financial year.

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

(a) the payment of the salaries, allowances and other charges in respect of the officers, members of staff or agents of the Council;

(b) the payment of the pensions, gratuities and other charges in respect of the retirement benefits payable to the members of staff of the Council;

(c) the proper maintenance of the buildings and grounds of the Council;

(d) the proper maintenance, repair and replacement of the equipment and other movable property of the Council; and

(e) 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 Board before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the Minister for approval.

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

16. (1) The Board shall cause to be kept proper books and other 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 Board shall submit to the Controller and Auditor-General or to an auditor appointed under subparagraph (3), the accounts of the Council, in respect of that year, together with-

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

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

(3) The accounts of the Council shall be audited and reported upon in accordance with the provisions of the Public Audit Act, 2003.

17. The Board may place on deposit with such bank or banks as the Treasury may approve from time to time, any moneys not immediately required for the purposes of the Council.

18. (1) The Board shall, within three months after the end of each financial year, prepare and submit to the Minister, a report on the operations of the Council for the immediately preceding financial year.

(2) The Minister shall lay the annual report before the National Assembly as soon as is practicable after the National Assembly next sits after the Minister has received the report.

Revocation of LN. 65 of 2010.

19. The Hide, Skin and Leather Trade (Leather Development Council) Rules, 2010 are revoked.

Made on the 12th August, 2011.

MWAI KIBAKI,  
President.