

KENYA ANIMAL GENETIC RESOURCES CENTRE ORDER, 2011

ARRANGEMENT OF ORDERS

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KENYA ANIMAL GENETIC RESOURCES CENTRE ORDER, 2011

[L.N. 110/2011.]

1. Citation

This Order may be cited as the Kenya Animal Genetic Resources Centre Order, 2011.

2. Interpretation

In this Order, unless the context otherwise requires—

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

“**Board**” means the board of the Centre;

“**member**” means a member of the Board;

“**Centre**” means the Kenya Animal Genetic Resources Centre established under paragraph 3

3. Establishment

(1) There is hereby established a state corporation to be known as the Kenya Animal Genetic Resource Centre.

(2) The Centre 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 or immovable property; and
- (c) doing or performing such other things or acts necessary for the proper performance of its functions which may lawfully be done by a body corporate.

(3) The Centre shall be the successor of the institution formerly known as the Central Artificial Insemination Station existing immediately before the commencement of this Order.

4. Headquarters

The headquarters of the Centre shall be in Nairobi.

5. Composition of the Board

(1) The Centre shall be governed by a Board which shall consist of—

- (a) a non-executive chairman appointed by the President;
- (b) the Permanent Secretary in the Ministry for the time being responsible for matters relating to livestock development or his representative;
- (c) the Permanent Secretary in the Ministry for the time being responsible for matters relating to Finance or his representative;
- (d) the Managing Director of the Centre appointed under paragraph 9;
- (e) the director of the Kenya Agricultural Research Institute or his representative;
- (f) four other persons not being employees of the Centre with knowledge in matters relating to
 - (i) livestock breeding;

- (ii) finance;
- (iii) management; and
- (iv) law.

(2) The members of the Board referred to in subparagraphs (a) and (f) shall be appointed by the President and Minister respectively by notice in the *Gazette*.

(3) The chairperson and members of the Board, other than *ex officio* members shall hold office for a term of three years and shall be eligible for re-appointment for one further term.

6. Functions of the Corporation

The Centre shall—

- (a) establish a national livestock resources gene bank and take custody of livestock tissues, DNA, semen and embryos of all livestock and emerging livestock species in Kenya;
- (b) conserve for posterity and avail livestock tissues, DNA, semen and embryos of all livestock and emerging livestock species in Kenya for both research and breeding;
- (c) engage in strategic semen production;
- (d) serve as a reference laboratory for certification, testing of semen, embryos, and related livestock reproductive materials, for purposes of imports and exports;
- (e) either alone or in collaboration with other institutions, develop and produce chemicals and laboratory products for use in the production of semen;
- (f) either alone or in collaboration with other institutions, provide information on the suitability and effectiveness of animal breeding products; and
- (g) provide training in animal resource conservation procedures, semen, in-vitro embryo production and transfer and related technology transfer.

(2) The Centre may engage in such other activities that promote the best interest for the Centre in accordance with this Order and as the Board may determine from time to time, with the approval of the Minister.

7. Powers of Board

The Board shall—

- (a) administer the assets and funds of the Centre in such manner and for such purposes as will promote the purpose for which the Centre is established;
- (b) receive gifts, donations, grants or other money and equipment on behalf of the Centre and make legitimate disbursement therefrom;
- (c) have power to enter into association with other persons, bodies or organizations within or outside Kenya as the Board may consider appropriate and in furtherance of the purpose for which the Centre is established;
- (d) make policies and regulations for the proper and efficient management of the Centre; and
- (e) apply for and hold intellectual property rights and enter into agreements or arrangements for their commercial exploitation or otherwise as the Board may consider appropriate.

8. Meetings of the Board

(1) The Board shall hold not less than four meetings in a year, and not more than three months shall lapse from the date of one meeting and the date of the next meeting.

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

9. Managing Director

(1) There shall be a Managing Director of the Centre who shall be appointed by the Board on such terms and conditions of service as the Minister may in consultation with the Board determine.

(2) The Managing Director shall be the executive officer responsible to the Board and secretary to the Board.

(3) The Managing Director shall be responsible for the day-to day operations and administration of the Centre.

10. Staff

The Centre may employ such officers, staff or agents as it considers necessary for the discharge of its functions and duties under this Order, upon such terms and conditions of service as it may determine.

11. Funds

The funds of the Centre shall consist of—

- (a) monies appropriated by Parliament for the purposes of the Centre;
- (b) monies or assets as may accrue to, or vest in the Centre in the course of its functions under this Order; and
- (c) any grant, gift and other donation as may be received by the Centre.

12. Financial year

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

13. Annual estimates

(1) The Board shall, at least five months before commencement of each financial year, cause to be prepared estimates of the revenue and expenditure of the Centre for that financial year.

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

- (a) the payment of salaries, allowances and other charges in respect of the members and staff of the Centre;
- (b) the payment of pensions, gratuities and other charges in respect to retirement benefits to the staff of the Centre; and
- (c) the proper maintenance, repair and replacement of the equipment, buildings and grounds of the Centre; and
- (d) creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment in respect of other matters as the Centre may consider necessary.

(3) The Board shall approve the annual estimates before commencement of the financial year to which they relate and shall submit the annual estimates to the Minister for approval.

(4) Once the annual estimates have been approved, the sum provided shall not be increased without prior consent of the Board given with approval of the Minister.

(5) The Centre shall not incur expenditure for the purposes of the Centre except in accordance with the annual estimates approved under subparagraph (3) or with authorization of the Board given with the approval of the Minister.

14. Account and audit

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

(2) The accounts of the Centre shall be audited and reported in accordance with the provisions of the Public Audit Act (Cap. 412B).

15. Investment of funds

(1) The Board may invest funds of the Centre which are not immediately required for its purposes in bank deposits or such other securities as Treasury may, from time to time, approve.

(2) Any balance of grant may be carried forward in the accounts of the Board from one year to the next and may be expended as the Board may determine, or may be put in a reserve account of the Board.

16. Annual Report

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

(2) The Minister shall lay the annual report before the National Assembly within three months of the day the National Assembly sits after the report is presented.

17. Protection from personal liabilities

No matter or thing done by the Board or any officer, employee or agent of the Centre shall, if the matter or thing is done in good faith for the purposes of executing the functions, powers and duties of the Centre, render the member, officer, employee or agent or any person acting by his directions, personally liable to any action, claim or demand whatsoever.

18. Transitional provision

Upon the commencement of this Order—

- (a) all rights, duties, obligations, assets and liabilities of the Central Artificial Insemination Station existing as at the commencement of this Order shall vest in the Centre;
- (b) any reference to the Central Artificial Insemination Station in any written law, contract or document shall, for all purposes, be deemed to be a reference to the Centre;
- (c) any person who is an officer of the Central Artificial Insemination Station before the commencement date shall be deemed to be on secondment to the Centre:

Provided that such person shall, within a period of one year from the Commencement, exercise the option either—

- (i) to enter into a written contract of service with the Centre, whereupon his service with the Government shall be deemed to have terminated without right to severance pay but without prejudice to all other remuneration and benefits payable upon such termination; or

- (ii) to be deployed by the Government.
 - (d) the annual estimates of the Central Artificial Insemination Station for the financial year in which the commencement date occurs shall be deemed to be the annual estimates of the Centre for the remainder of the financial year;
Provided that such estimates may be varied by the Board in such a manner as the Minister may approve.
 - (e) the administrative directions made by the Central Artificial Insemination Station or the Minister and which are in force immediately before the commencement date shall, on or after such day, have force as if they were made by the Board or the Minister under this Order;
 - (f) any donation or government funding of a continuing nature administered by the Central Artificial Insemination Station or its Board and existing immediately before the commencement of this Order shall be administered by the Centre, in accordance with the terms and conditions to which it was subject immediately before that date;
 - (g) the members of the Board of the Central Artificial Insemination Station immediately before the commencement date shall be appointed to be members of the Board under paragraph 5 of this Order.
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