

27th July, 2012

LEGAL NOTICE NO. 77

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 TSETSE AND TRYPANOSOMIASIS ERADICATION COUNCIL ORDER, 2012

Citation.

1. This Order may be cited as the Kenya Tsetse and Trypanosomiasis Eradication Council Order, 2012.

Interpretation.

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

"Board" means the Board of the Council established under paragraph 5;

"Council" means the Kenya Tsetse and Trypanosomiasis Eradication Council established by paragraph 3;

"financial year" means the period of twelve months ending on the 30th June in each year;

"Minister" means the Minister for the time being responsible for matters relating to livestock development; and

"Unit" means the Pan African Tsetse and Trypanosomiasis Eradication Campaign (PATTEC) Unit existing within the Ministry of Livestock Development immediately before the coming into operation of this Order.

Establishment of the Council.

3. (1) There is established a body to be known as the Kenya Tsetse and Trypanosomiasis Eradication Council.

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

(a) suing and being sued;

(b) acquiring, holding and disposing of movable and immovable property, and

(c) doing all such other things or acts as may properly be done by a body corporate.

(3) The Council shall be the successor to the Pan African Tsetse and Trypanosomiasis Eradication Campaign Unit(PATTEC) existing immediately before the commencement of this Order, and upon such commencement—

(a) all property which was vested in the Government for the use of the Unit shall vest in the Council subject to all interests, liabilities, changes and obligations affecting such property; and

(b) unless the Council otherwise determines, all public officers who are employed by the Government for purposes of the Unit shall be deemed to be on secondment to the Council under this Order until they are employed by the Council or their secondment with the Council otherwise ceases in accordance with the terms of secondment.

Headquarters of the Council.

4. The headquarters of the Council shall be in Nairobi but the Council may establish branches in the Counties.

Board of the Council.

5. (1) There shall be a Board of the Council which shall consist of—

(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 Director of Medical Services or a designated representative;

(e) the Director-General of the Kenya Wildlife Service or a designated representative;

(f) the Director of Veterinary Services;

- (g) the Director of Livestock Production or a designated representative;
- (h) the chief executive officer of the Council appointed under paragraph 8;
- (i) one person with at least five years' experience in matters related to livestock development, nominated by research institutions dealing with tsetse and trypanosomiasis and appointed by the Minister;
- (j) one person with at least five years' experience in matters related to impacts and pest management, nominated by an association recognized as representing the private sector and appointed by the Minister; and
- (k) two persons of opposite gender nominated by the association recognized as representing farmers, appointed by the Minister;

(2) A person shall be eligible for appointment as the Chairperson under subparagraph (1) (a) if that person—

(a) holds a university degree or its equivalent in science or any other discipline related to livestock science from a university recognized in Kenya and has at least five years' experience in livestock development; or

(b) has at least ten years' experience in matters related to livestock development.

(3) A person appointed under subparagraph (1) (a), (h), (j) or (k) shall serve for a term of three years and shall be eligible for re-appointment for a further term of three years.

(4) A person appointed under paragraph (1) (a), (h), (j) or (k) shall cease to hold office if the person—

(a) resigns his office as such in writing addressed, in the case of the Chairperson, to the President, or in the case of any other member, to the Minister;

(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; or

(g) is convicted of a criminal offence and sentenced to imprisonment for a term of more than six months.

Functions of the Council.

6. The functions of the Council shall be to—

(a) advise the Government on the policy on tsetse and trypanosomiasis eradication in Kenya and its implementation;

(b) recommend standards and guidelines for tsetse and trypanosomiasis eradication;

(c) determine and advise the Government on national goals, priorities and strategies for tsetse and trypanosomiasis eradication;

(d) co-ordinate activities of Government departments, agencies and other stakeholders at the national and county levels in matters related to tsetse and trypanosomiasis eradication;

(e) promote collaboration among stakeholders on tsetse and trypanosomiasis eradication;

(f) act as the lead agency on tsetse and trypanosomiasis eradication activities in Kenya;

(g) act as the Government agency for tsetse and trypanosomiasis eradication, and advise the Government in its negotiations and other engagements with foreign countries and international organizations in tsetse and trypanosomiasis eradication ;

(h) negotiate, source and mobilize resources for the tsetse and trypanosomiasis eradication;

(i) ensure effective and efficient use of resources provided by the Government and other financiers or donors for tsetse and trypanosomiasis eradication;

(j) establish and maintain an appropriate tsetse and trypanosomiasis knowledge, information and communication system and database based on contemporary science and technology;

(k) co-ordinate, guide and facilitate research and the use of technology and development of science for the purposes of eradication of tsetse and trypanosomiasis;

(l) promote and facilitate activities in all relevant sectors including land use management and sustainable livelihoods to sustain tsetse and trypanosomiasis eradication in Kenya;

(m) promote public and private sector partnership for sustainable tsetse and trypanosomiasis eradication; and

(n) perform such other function as may be assigned to it by the Minister.

Meetings of the Board.

7. (1) The Chairperson shall preside at all meetings of the Board at which the Chairperson is present, but in the absence of the Chairperson the members present at the meeting shall appoint one of their number to preside at that meeting.

(2) The quorum for the Board meeting shall be seven 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 in the absence of consensus, be by a simple majority of the members present and voting, but in the case of an equality of votes the Chairperson or the person presiding shall have a casting vote.

(5) Subject to this Order, the Board may regulate its own procedure, and the procedure for any committee of the Board and for attendance of any other persons at its meetings.

Chief Executive Officer.

8. (1) There shall be a chief executive officer of the Council who shall be appointed by the Board on such terms and condition as may be specified in the instrument of appointment.

(2) A person shall be eligible for appointment under subparagraph (1) if the person holds a degree from a university recognized in Kenya in biological sciences related to livestock development and at least ten years' experience in strategic tsetse and trypanosomiasis management.

Appointment of staff.

9. The Council may appoint such other officers and staff conditions as it considers proper for its efficient operation of the functions.

Remuneration of Board members.

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

Delegation of functions.

11. The Board may delegate any of its powers to any of its committees as established by the Board 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 of them together with one member of the Board, other than an ex-officio member, authorized in writing by the Board in that behalf.

(2) Any document made, other than a document which is required by any other 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 as may be appropriated by Parliament for the purposes of the Council;

(b) 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;

(c) any monies 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;

(d) any gifts made to the Council; and

(e) all monies 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) Expenditure shall not 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 National Treasury.

Books of accounts and audit.

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 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, No 12 of 2003.

Investment of Funds.

17. The Board may invest any of the funds of the Council which are not immediately required for its purposes in such securities as the Treasury may approve from time to time.

Annual report.

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 submitted under subparagraph (1) before the National Assembly as soon as is practicable after the National Assembly next sits after the Minister has received the report.

Made on the 18th July, 2012.

MWAI KIBAKI,
President.