



LAWS OF KENYA

THE MOI UNIVERSITY ACT

CHAPTER 210A

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CHAPTER 210 A
THE MOI UNIVERSITY ACT

8 of 1984,
13 of 1988,
2 of 2002.

Commencement: 8th June, 1984

An Act of Parliament to establish a university at Eldoret and to provide for the control, government and administration thereof; and for connected purposes

PART I—PRELIMINARY

1. This Act may be cited as the Moi University Act.

Short title.

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

Interpretation.

“Chancellor” means the Chancellor of the University referred to in section 9;

“chief academic officer” means the chief academic officer appointed under section 11;

“chief administrative officer” means the chief administrative officer appointed under section 11;

“constituent college” means a college established under section 5;

“Convocation” means the Convocation of the University established under section 15;

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

“Deputy Vice-Chancellor” means the Deputy Vice-Chancellor of the University appointed under section 10 (2);

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

“financial year” means the financial year of the University determined under section 18;

“graduate” means a person upon whom a degree has been conferred by the University;

“lecturer” means a member of the staff of the University who is, in the terms of his appointment, an associate professor, senior lecturer,

lecturer, assistant lecturer or tutorial fellow, or who holds any other teaching post which the Council, on the recommendation of the Senate, has recognized as a post having academic status in the University;

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

“professor” means a professor of the University; but does not include an associate professor;

“Senate” means the Senate of the University established under section 14;

“statutes” means statutes made by the Council under section 23;

“student” means a person registered by the University for the purpose of obtaining a qualification of the University or any other person who is determined by the Senate to be a student;

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

“University” means the Moi University established by section 3;

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under section 10.

(2) References in this Act to offices or authorities of a constituent college shall be construed by reference to the legislation or other instruments by which that college is established or governed.

PART II—ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

Establishment of
the University.

3. (1) There is hereby established a university to be known as the Moi University.

(2) The University 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 and disposing of movable or immovable property;
- (c) borrowing or lending money; and

(d) doing or performing all such other things or acts for the proper performance of its functions under, and for the furtherance of the provisions of, this Act which may lawfully be done or performed by a body corporate.

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

Functions and
objects of the
University.

- (a) to provide university education aimed at producing mature and conscientious graduates with the skill, ability and desire to contribute to the well-being and development of the people of Kenya in accordance with the national philosophy of mutual social responsibility;
- (b) to provide university education for national service and development which reflects the national cultural heritage;
- (c) to develop and transmit knowledge and skills through research and training at undergraduate and post graduate levels, either directly or through the medium of connected colleges, schools or institutes;
- (d) to foster national consciousness and unity;
- (e) to preserve, produce, process, transmit and disseminate knowledge and stimulate the intellectual life and cultural development of Kenya;
- (f) to conduct examinations for, and to grant degrees, diplomas and other awards of the University;
- (g) to determine who may teach, what may be taught and how it may be taught in the University;
- (h) to play an effective role in the development and expansion of opportunities for Kenyans wishing to continue with their education.

(2) Admission to the University as candidates for degrees, diplomas, certificates or other awards of the University shall be open to all persons accepted as being qualified by the Senate, without distinction of ethnic origin, sect or creed, 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 professor, lecturer, graduate or student of the University, 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 ethnic origin, sect or creed.

Constituent colleges of the University.

5. The President may, after consultation with the Council, by order published in the Gazette—

2 of 2002, Sch.

(a) establish any college as a constituent college of the University;

(b) declare an institution of learning or higher education, or any training establishment to be a constituent college of the University.

(c) establish colleges within the university consisting of such faculties, institutes or schools as may be provided by that order.

Conferment of degrees, etc.

6. (1) Subject to this Act, the Council shall have power to confer any degree or grant any diploma, certificate or any other academic qualification which it is for the time being authorized by a statute of the University to confer or award.

(2) The Council may, in accordance with such conditions as it may prescribe, confer any degree or award any academic distinction as honorary degree or academic distinction to a person who has rendered distinguished service in the advancement of any branch of learning or who has otherwise, in the opinion of the Council, rendered himself worthy of the degree or academic distinction.

Award of certificates, etc.

7. The Council may, under conditions which it thinks fit, award certificates, fellowships, scholarships, bursaries and prizes and make other awards which it may consider necessary or desirable.

PART III—MEMBERSHIP AND THE GOVERNMENT OF THE UNIVERSITY

Membership of the University.

8. The members of the University shall be—

(a) the Chancellor;

(b) the Vice-Chancellor;

(c) the Deputy Vice-Chancellor;

(d) the principal of each constituent college;

(e) the members of the Council;

(f) the members of the Senate;

(g) the members of the Council or other governing body of each constituent college;

- (h) the professors and lecturers of the University;
- (i) the chief administrative officer, the chief academic officer and the librarian;
- (j) the secretary to the Council or other governing body of each constituent college;
- (k) the students;
- (l) the Convocation;
- (m) such other members of the staff of the University or of any other body formally admitted into association with the University or with any of its constituent colleges, as the Council may from time to time determine.

9. (1) The President shall, unless he sees fit to appoint some other person thereto, be the Chancellor of the University. The Chancellor.

(2) A person who is appointed by the President to be the Chancellor shall hold office for such period as the President shall determine, but that person shall cease to hold office if the election of a President results in a change in the holder of the office of President.

(3) The Chancellor—

- (a) shall be the head of the University and shall, in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University;
- (b) may from time to time direct an inspection of the University or an inquiry into the teaching, research or any other work of the University;
- (c) may arrange for visitation to the University as may be provided in the statutes;
- (d) shall enjoy such powers and privileges and perform such other functions as may be provided in the statutes;
- (e) may from time to time give advice to the Council which he may consider necessary for the betterment of the University.

(4) Whenever the Chancellor is absent from Kenya or is for any reason unable to perform the functions of his office the President or a person authorized by him in that behalf may appoint a person to perform

those functions during the absence or inability of the Chancellor.

The
Vice-Chancellor
and Deputy
Vice-Chancellor.

2 of 2002, Sch.

10. (1) There shall be a Vice-Chancellor of the University who shall be appointed by the Chancellor after consultation with the Council.

(2) The Vice-Chancellor shall—

(a) have the overall responsibility for the direction, organization, administration and programmes of the University;

(b) be the chairman of the Senate; and

(c) be responsible to the Council for the general conduct and discipline of the students.

(3) The Council shall, after consultation with the Senate, appoint such number of Deputy Vice-Chancellors as it may consider appropriate from among the professors of the University to assist the Vice-Chancellor in matters pertaining to the academic activities of the University.

(4) The Vice-Chancellor shall be appointed upon the terms and conditions of service prescribed by the statutes.

(5) The Vice-Chancellor and Deputy Vice-Chancellor shall hold office for such period as may be provided by the statutes, and upon the expiration of that period shall be eligible for re-appointment.

Appointment of
chief officers.

11. (1) There shall be a chief administrative officer who shall be appointed by the Council and who shall, under the directions of the Vice-Chancellor, be responsible to the Council for the administration of the University, including the administration of the funds and other assets of the University.

(2) The chief administrative officer shall be the secretary to the Council.

(3) There shall be a chief academic officer who shall be appointed by the Council and who shall, under the directions of the Vice-Chancellor, be responsible to the Council for all matters pertaining to the academic activities of the University.

(4) The chief academic officer shall be secretary to the Senate.

Constitution of the
Council.

12. (1) There shall be a Council of the University which shall consist of—

(a) a chairman, a vice-chairman and a honorary treasurer all of

whom shall be appointed by the Chancellor;

- (b) the Vice-Chancellor;
- (c) the Deputy Vice-Chancellor;
- (d) the Principal of each constituent college;
- (e) the Permanent Secretary to the Ministry for the time being responsible for university education;
- (f) the Permanent Secretary to the Ministry for the time being responsible for finance;
- (g) not more than eight members appointed by the President to represent the Government;
- (h) four persons appointed by the Senate from among its members;
- (i) after a date to be appointed by the Council, two persons appointed by the Convocation from among its members;
- (j) two members elected by non-Senate members of the academic staff from among themselves;
- (k) two members elected by the students' organization;
- (f) one person elected by the non-academic staff from among themselves;
- (m) not more than two members co-opted to the Council from time to time.

(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 chief administrative officer;
- (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 under subsection (3), the chief administrative officer shall forthwith notify the vacancy to the appropriate appointing body or person.

(5) The procedure and the conduct and regulation of the affairs of the Council shall be vested in the Council.

Functions of the
Council.

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

(a) shall administer the property and funds of the University in a manner and for purposes which shall promote the best interests of the University; but the Council shall not charge or dispose of immovable property of the University without prior approval of the Chancellor;

(b) shall receive, on behalf of the University or a constituent college, donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the constituent college or other bodies or persons;

(c) shall provide for the welfare of the students of the University;

(d) may enter into association with other universities, or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate;

(e) may, after consultation with the Senate, make regulations governing the conduct and discipline of the students of the University.

(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 Vice-Chancellor, the chief academic officer, the chief administrative officer or any other member of the Council generally or specially authorized by the Council in that behalf.

The Senate.

14. (1) There shall be a Senate of the University which shall consist of—

(a) the Vice-Chancellor, who shall be the chairman;

(b) the Deputy Vice-Chancellor;

- (c) the principal of each constituent college;
- (d) the deans of the faculties, institutes and schools;
- (e) the heads of the teaching departments of the University;
- (f) two members elected by the academic board or equivalent body of each constituent college from among the members of such board or body;
- (g) the librarian;
- (h) one representative of each of the faculty boards appointed by that board from among its members;
- (i) two members elected by the students' organization; except that the members of the students' organization shall not be entitled to attend deliberations of the Senate on matters which are considered by the chairman of the Senate to be confidential and which relate to the general discipline of students, examination results, the academic performance of students and other related matters;
- (j) any other members as may be provided for in the statutes.

(2) The Senate 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, and to report its findings thereon to the Council;
- (b) to propose regulations to be made by the Council regarding the eligibility of persons for admission to a course of study;
- (c) to propose regulations to be made by the Council regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University;
- (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;
- (e) to initiate proposals relating to the conduct of the University generally, and to discuss any matter relating to the University

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 Council shall not initiate any action in respect of the matters mentioned in paragraphs (a), (b) or (c) of subsection (2) except upon receipt of a report or proposal thereunder and the Council shall not reject any such report or reject or amend any regulations as proposed without further reference to the Senate.

The Convocation.

15. (1) There shall be a Convocation of the University which shall consist of graduates and such other persons as may be prescribed by the statutes.

(2) The Convocation shall have the right to meet and discuss any matter relating to the University and to transmit resolutions thereon to the Council and the Senate, and may exercise such other functions as the statutes may prescribe.

Staff of the University.

16. (1) The academic staff of the University shall consist of the Deputy Vice-Chancellor, the librarian and all members of the staff who are engaged in teaching or research.

(2) The administrative staff of the University shall consist of the chief administrative officer, the chief academic officer, a finance officer and such other members of the staff, not being engaged in teaching or research, as the Council may, from time to time, determine.

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

(a) 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 from the service of another university 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.

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

(a) be subject to the general authority of the Council and of the

Vice-Chancellor;

- (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 Vice-Chancellor, the functions of the Vice-Chancellor may be performed by the Deputy Vice-Chancellor during the incapacity.

Performance of functions in absence, etc., of office holder.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellor, the Chancellor, after consultation with the chairman of the Council, may appoint a member of the academic staff of the University to perform the functions of the Vice-Chancellor during the incapacity.

(3) In the event of the incapacity of a member of the staff of the University other than the Vice-Chancellor, the Vice-Chancellor 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 shall be the period of twelve months commencing on such day in each year as the Council may determine.

Financial year.

(2) In the event of any change in the financial year, and for the purposes of the transition from the old financial year to a new financial year 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 in securities in which for the time being trustees may by law invest trust funds or in any other securities which the Treasury may from time to time approve for the purpose.

Investment of funds.

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

20. (1) Before the commencement of a financial year the Council

Annual

estimates.

shall cause to be prepared estimates of the revenue and expenditure of the University for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the University 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;
- (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;
- (c) for the proper maintenance of the buildings and grounds of the University;
- (d) for the proper maintenance, repair and replacement of the equipment and other movable property of the University;
- (e) for the funding of the cost of teaching and research activities of and in the University;
- (f) for the creation of such reserve funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of buildings or equipment, or 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 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.

Accounts and
audit.
13 of 1988, Sch.

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

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

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

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

(3) The accounts of the University 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 employment of an auditor shall not be terminated by the Council without the consent of the Minister in concurrence with the Auditor-General (Corporations).

(5) 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.

(6) An auditor appointed under subsection (3) shall report directly to the Auditor-General (Corporations) on any matter relating to the directions given under subsection (5).

(7) 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 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).

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

(9) Notwithstanding anything in this Act, the Auditor-General (Corporations) may transmit to the Minister a special report on any matters incidental to his powers under this Act, and subsections (3) and (4) of section 19 of the Exchequer and Audit Act shall, *mutatis mutandis*, apply to any report made under this section.

(10) In the exercise of his powers and duties under this Act, the Auditor-General (Corporations) and any auditor appointed under this section shall have the same powers as those conferred on the Auditor-General (Corporations) by subsections (3) and (5) of section 105 of the Constitution and section 8 of the Exchequer and Audit Act.

Cap. 412.

(11) 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 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 shall be authenticated by the signature of the Vice-Chancellor, or of one other member of the Council duly authorized by the Council in that behalf, and of the chief administrative officer as secretary to the Council.

(3) The common seal of the University 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 necessary 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 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;
- (b) the description of degrees;
- (c) the requirements for the award of degrees;
- (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 retiring benefits of the members of the staff of the University;
- (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' organization.

(2) Notwithstanding subsection (1), the Council shall not make, amend or revoke any statutes relating to the functions or privileges of the

Chancellor, the Vice-Chancellor or the Senate without first ascertaining the opinion of the Senate.

(3) Statutes shall only be made by a 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 senate 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.

[Subsidiary]

SUBSIDIARY LEGISLATION

L.N. 101/2008.

THE NAROK UNIVERSITY COLLEGE ORDER, 2008

Citation.

1. This Order maybe cited as the Narok University College Order, 2008.

Interpretation.

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

“academic board” means the Academic Board of the University College established under paragraph 13;

“alumni association” means the alumni association of the University College established under paragraph 15;

“chancellor” means the Chancellor of the University;

“council” means the Council of the University College established under paragraph 11;

“Deputy Principal” means the Deputy Principal appointed by the Council of the University College under paragraph 9;

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

“financial year” means the financial year of the University College as provided for under paragraph 18;

“graduate” means a person upon whom a degree has been conferred in accordance with paragraph 5;

“incapacity” means inability to perform functions of the office concerned;

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

“lecturer” means a member of the staff of the University College who is, in terms of appointment, a professor, an associate professor, senior lecturer, lecturer, assistant lecturer, or tutorial assistant, or a person who holds any other teaching post which the Council 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;

“Minister” means the Minister for the time being responsible

for higher education;

“Principal” means the Principal of the University College appointed under

[Subsidiary]

paragraph 8;

“professor” means a professor of the University College;

“registrar” means the registrar appointed by the Council;

“school” means a school of the University College established under the statutes;

“senate” means the senate of the University;

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

“statutes” means Statutes of the University College made by the Council under this Order;

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

“university college” means the Narok University College established under paragraph 3;

“university” means the Moi University established under section 3 of the Act; and

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under section 10 of the Act.

3. (1) There is hereby established a university college to be known as the Narok University College which shall be a constituent college of the Moi University. Establishment of the university college.

(2) The University College 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 and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for

[Subsidiary]

the furtherance of the provision of this Order which may be done by a body corporate.

(3) The University College shall be the successor to Narok Teachers Training College.

(4) All rights, liabilities and assets held by or by any body on behalf of Narok Teachers Training College, existing at the commencement of this Order, shall be automatically and fully transferred to the University College.

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

Functions and
objects of
University
College.

(a) to provide directly, or in collaboration with other institutions of higher learning, facilities for university education (including technological, scientific 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 and enhancement of knowledge and to stimulate the intellectual participation of students in the economic, social, cultural, scientific and technological development of Kenya;

(c) to provide and advance university education and

training to appropriately qualified candidates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time to time determine and in so doing, contribute to manpower needs;

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

(e) to examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study.

(f) play a leading role in the development and expansion of the opportunities for higher education and research;

(g) develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovation, research and consultancy services;

(h) participate in commercial ventures and other activities to the benefit of the institution, the community and stakeholders;

(i) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular foster corporate social responsibility and the practical arts;

[Subsidiary]

- (j) provide programmes, products and services in ways that reflect the principles of equity and social justice;
- (k) facilitate student mobility between different programmes at different training institutions, universities and industry;
- (l) foster the general welfare of all staff and students.

(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 Order and the Act without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender; and no

barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer, graduate or student of the University College, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction.

5. (1) The degrees and postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas conferred by Moi University. Conferral of degrees.

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

6. Subject to this Order, the University College may award scholarships, bursaries and prizes and make other awards which may be provided for by the statutes. Award of scholarships, bursaries etc.

PART III—MEMBERSHIP AND THE GOVERNMENT OF THE UNIVERSITY COLLEGE

7. The members of the University College shall be—

- (a) the Chancellor of Moi University;
- (b) the Vice-Chancellor of the University of Nairobi;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian of the University College;

Membership of the University College.

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- (h) the professors of the University College;
- (i) the lecturers of the University College;
- (j) the Registrars;
- (k) the Finance Officer
- (l) the Dean of students
- (m) the Director of ICT services;
- (n) the students of the University College;
- (o) the Alumni; and
- (p) such other members of 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.

8. (1) There shall be a Principal of the University College who shall be appointed by the Minister on advice of the Council, and in consultation with the Chancellor.

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

- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provided by the Statutes.

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

(4) Notwithstanding sub-paragraph (1), the Minister may appoint the first Principal on the recommendation of the Council of the Moi University and the person so appointed shall be deemed to be the Principal appointed under sub-paragraph (1).

The Deputy Principal.

9. (1) The Council shall, in consultation with the Chancellor appoint one or more Deputy Principals, who shall, under the general direction of the Principal, exercise such powers and perform such duties as may be provided by the Statutes.

(2) A Deputy Principal shall hold office upon such terms and for such period as may be provided by the Statutes and upon expiration of that period shall

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be eligible for re-appointment for one further term.

10. (1) The Council shall, on advice of the Principal, appoint for each faculty, school, institute, centre, or a department, a dean, director, or a chairman who shall be the academic and administrative head of the faculty, school, institute, centre, or department and shall, under the general direction of the Principal, have such powers and duties as may be provided by Statutes. Deans, directors and chairmen of faculties, etc.

(2) A person appointed as dean, director or chairman shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for reappointment.

11. (1) There shall be a Council of the University College which shall consist of— The Council.

- (a) the Chairman and Vice-Chairman, both of whom shall be appointed by the president in consultation with the Chancellor;
- (b) the Vice-Chancellor Moi University;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the Permanent Secretary of the Ministry for the time being responsible for higher education;
- (f) the Permanent Secretary of the Ministry for the time being responsible for finance;
- (g) one person being a member of the Academic Board;
- (h) one person appointed by the Minister to represent professional associations;
- (i) one person appointed by the Minister to represent special interest;
- (j) one person nominated by the Alumni Association from among its members;
- (k) one person appointed by the Minister to represent association of technical and vocational education and training institutions;
- (l) two persons, one nominated by the academic staff and the other by the non-academic staff;
- (m) a representative of the student organization;
- (n) not more than two persons co-opted by the Council.

(2) The Principal shall be the secretary to the Council.

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(3) Subject to paragraph (4), 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.

(4) 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 Principal;
- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of his office;
- (c) upon his death.

(5) Where the office of a member of the Council becomes vacant, the Principal shall forthwith notify the vacancy to the appropriate appointing authority.

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined by the Council.

(7) The Council shall exercise prudent leadership, innovative enterprise, and good judgement in directing the University College and shall always act in the best interest of the University College.

Functions of the Council.

12. (1) Subject to this Order, the Council shall be the governing body of the University College through which the University College shall act and—

- (a) shall administer the property and funds of the University College in a manner and for the purposes which shall promote the interest 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 Government of Kenya;
- (b) shall receive, on behalf of the University College, donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University College or other bodies or persons;
- (c) shall approve the appointment criteria and the terms and conditions of service of staff;
- (d) shall provide for the welfare of the staff and students of the University College;
- (e) 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; and
- (f) may, after consultation with the Academic Board, make regulations governing the conduct and discipline of the students of the University College.

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(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 or any other members of the Council generally or specifically authorized by the Council in that behalf.

(3) The Council shall ensure that a proper management structure is in place and make sure that the structure functions to maintain corporate integrity, reputation and responsibility.

(4) The Council shall monitor and evaluate the implementation of strategies, policies, and management criteria and plans of the University College.

(5) The Council shall constantly review the viability and financial sustainability of the University College, and shall do so once every year.

(6) The Council shall ensure that the University College complies with all the relevant laws, regulations, governance practices, accounting and auditing standards.

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

- (a) the Principal, who shall be the Chairman;
- (b) the Deputy Principals;
- (c) the deans of the faculties, and directors of schools, institutes and centres;
- (d) the heads of the teaching departments of the University College;
- (e) the Registrar in charge of academic affairs;
- (f) the librarian;
- (g) the Dean of students;
- (h) the Director of ICT services;
- (i) one representative of each of the faculty or school boards appointed by the respective boards from among its members; and
- (j) two members elected by the students' organization, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the chairman of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

(2) The Deputy Principal for the time being in charge of academics

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shall be the secretary to the Academic Board.

(3) 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;
- (b) to propose regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;
- (c) to propose regulations for consideration by the Senate 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; and
- (e) to make regulations governing such other matters as are within its powers in accordance with this Order or the Statutes.

(4) Notwithstanding any of the provision of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b), (c) or (d) of subparagraph (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.

Management Board.

14. (1) There shall be established a Management Board made up of the following persons—

- (a) the Principal, who shall be the chairman;
- (b) the Deputy Principals;
- (c) the Deputy Principals;
- (d) the Registrar in charge of administration, who shall be the secretary;
- (e) the Finance Officer; and
- (f) such other member of senior management as the Council may determine.

(2) The Management Board shall assist the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical, and financial

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resources of the University College;

(b) making proposals to the Council and the Academic Board on policies that have application across the entire institution;

(c) the coordination of the University College strategic and development plans; and

(d) any other matters related to the management of the University College.

15. (1) There shall be an alumni association of the University College which shall consist of graduates of the University College and such other persons as may be prescribed by the Statutes. Alumni association.

(2) The alumni association shall have the right to meet and discuss any matter relating to the University College and transmit resolutions thereon to the Council, the Academic Board, or the Senate, and may exercise such other functions as the Statutes may prescribe.

16. (1) The staff of the Narok University College existing prior to the commencement of this Order including those on secondment are eligible for employment by the University College subject to appraisal by the Council in accordance with the Statutes. Staff of the University College.

(2) The academic staff of the University College shall consist of the Principal, the Deputy Principals, the librarian and all members of staff who are engaged in teaching and research.

(3) The senior management staff of the University College shall consist of the Principal, the Deputy Principals, and the deans of schools and directors of institutes and such other members of staff as the Council may from time to time determine.

(4) The administrative staff of the University College shall consist of the registrars, the finance officer and such other members of staff, not being engaged in teaching or research, as the Council may, from time to time, determine.

(5) The technical staff of the University College shall consist of those staff engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may from time to time determine.

(6) The support staff of the University College shall consist of those staff engaged in general duties and as the Council may from time to time determine.

(7) All members of staff of the University College shall, subject to this Order, be appointed either—

(a) in the manner and upon the terms and conditions of service

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prescribed by the Statutes; or

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

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

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

- (a) be subject to the general authority of the Council and of the Principal; and
- (b) be deemed to be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

Performance of functions in absence of office holder.

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

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, 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 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 said officer during the incapacity.

PART IV—FINANCIAL PROVISIONS

Financial year.

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

Investment of funds.

19. (1) The Council may invest any of the funds of the University College in securities, treasury bonds, trust funds or in any other securities which the Treasury may, from time to time, approve.

(2) The Council may place on deposit with such banks as it may determine any moneys 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

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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 equipment and other movable property of the University College;
- (e) for the funding of the cost of teaching, research and outreach activities of the University College;
- (f) for development; and
- (g) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.

(3) In drawing its annual estimates and development plans, the University College shall consult with the Government agency responsible for university grants.

(4) 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.

(5) No expenditure shall be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (4) 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 of accounts of the income, expenditure and assets and 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 Controller and Auditor-General, 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.

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No. 12 of 2003. (3) The accounts of the University College shall be audited by the Controller and Auditor-General in accordance with the Public Audit Act, 2003.

No. 12 of 2003. (4) The Controller and Auditor-General may transmit to the Minister a special report on any matters incidental to his powers under this Order, and section 24(3) and (4) of the Public Audit Act, 2003 shall apply to any report made under this paragraph.

PART V—MISCELLANEOUS

Common seal and signification of documents. 22. (1) The common seal of the University College shall be kept in such custody and used only as the Council shall direct.

(2) The common seal of the University College shall be authenticated by the signatures of the Principal together with any other person duly authorized by the Council.

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

Statutes. 23. (1) In the performance of its functions under this Order, the Council shall, subject to this Order, 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 Order, and in particular for the—

- (a) establishment of faculties, schools, and institutes of the University College;
- (b) description of degrees, diplomas, certificates, and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing fees and other charges;
- (f) setting 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) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and
- (h) providing for or prescribing anything, which, under this Order, may be provided for or prescribed by statutes.

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

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

(4) Statutes or regulations made by the Council under this Order shall not 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. (1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words "Narok University" together with word "College" unless the application for the registration is accompanied by the written consent of the Council. Protection of name.

(2) Any person who except with the written consent of the Council, uses the words "Narok University" together with the word "College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine of one million shillings and imprisonment for a term of twelve months.

Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

25. The status accorded to the University College by this Order as a constituent college of the Moi University shall be transitional only and the University shall initiate the necessary administrative and legal measures to ensure that the University College becomes a fully fledged university. Conversion into a fully fledged university.

[Subsidiary]

L.N. 77/2009

THE KABIANGA UNIVERSITY COLLEGE ORDER, 2009

Citation.

1. This Order may be cited as the Kabianga University College Order, 2009.

Interpretation.

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

“Academic Board” means the Academic Board of the University College established under paragraph 13;

“alumni association” means the alumni association of the University College established under paragraph 15;

“Chancellor” means the Chancellor of the University;

“Council” means the Council of the University College established under paragraph 11;

“Deputy Principal” means the Deputy Principal appointed by the Council of the University College under paragraph 9;

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

“financial year” means the financial year of the University College as provided for under paragraph 18;

“graduate” means a person upon whom a degree has been conferred in accordance with paragraph 5;

“incapacity” means inability to perform functions of the office concerned;

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

“lecturer” means a member of the staff of the University College who is, in terms of appointment, a professor, an associate professor, senior lecturer, lecturer, assistant lecturer, or tutorial assistant, or a person who holds any other teaching post which the Council 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;

“Management Board” means the Management Board of the University College established under paragraph 14;

“Minister” means the Minister for the time being responsible for higher education;

“Principal” means the Principal of the University College appointed under

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paragraph 8;

“professor” means a professor of the University College;

“Registrar” means the registrar appointed by the Council;

“school” means a school of the University College established under the statutes;

“Senate” means the senate of the University;

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

“statutes” means Statutes of the University College made by the Council under this Order;

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

“University College” means the University College established under paragraph 3;

“University” means the Moi University established under section 3 of the Act; and

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under section 10 of the Act.

3. (1) There is established a university college to be known as the Kabianga University College which shall be a constituent college of the Moi University. Establishment of the university college.

(2) The University College 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 and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for

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the furtherance of the provision of this Order which may be done by a body corporate.

(3) The University College shall be the successor to Moi University Kabianga Campus.

(4) All rights, liabilities and assets held by or by any body on behalf of Moi University Kabianga Campus, existing at the commencement of this Order, shall be automatically and fully transferred to the University College.

Functions and
objects of
University
College.

4. (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 technological, scientific 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 and enhancement of knowledge and to stimulate the intellect participation of students in the economic, social, cultural, scientific and technological development of Kenya;
 - (c) to provide and advance university education and training to appropriately qualified candidates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time to time determine and in so doing, contribute to manpower needs;
 - (d) to conduct examinations for such academic awards as may be provided in the statutes pertaining to the University College; and
 - (e) to examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study.
 - (f) play a leading role in the development and expansion of the opportunities for higher education and research;
 - (g) develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovation, research and consultancy services;
 - (h) participate in commercial ventures and other activities to the benefit of the institution, the community and stakeholders;
 - (i) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular foster corporate social responsibility and the practical arts;
 - (j) provide programmes, products and services in ways that reflect the

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principles of equity and social justice;

(k) facilitate student mobility between different programmes at different training institutions, universities and industry;

(l) foster the general welfare of all staff and students.

(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 Order and the Act without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender; and no barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer, graduate or student of the University College, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the ground of any such distinction.

5. (1) The degrees and postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas conferred by Moi University. Conferment of degrees, etc.

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

6. Subject to this Order, the University College may award scholarships, bursaries and prizes and make other awards which may be provided for by the statutes. Award of scholarships, bursaries etc.

PART III—MEMBERSHIP AND THE GOVERNMENT OF THE UNIVERSITY COLLEGE

7. The members of the University College shall be—

Membership of the
University College.

(a) the Chancellor of Moi University

(b) the Vice-Chancellor of the Moi University;

(c) the Principal;

(d) the Deputy Principals;

(e) the members of the Council;

(f) the members of the Academic Board;

(g) the librarian of the University College;

(h) the professors of the University College;

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- (i) the lecturers of the University College;
- (j) the Registrars;
- (k) the Finance Officer
- (l) the Dean of students
- (m) the Director of ICT services;
- (n) the students of the University College;
- (o) the Alumni; and
- (p) such other members of 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.

8. (1) There shall be a Principal of the University College who shall be appointed by the Minister on advice of the Council, and in consultation with the Chancellor.

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

- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) be responsible to the Council for the general conduct and discipline of the staff and students; and
- (d) have such powers and duties as may be provided by the statutes.

(3) The Principal shall hold office upon such terms and for

such period as may be provided by the Statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

(4) Notwithstanding sub-paragraph (1), and in the event that at the commencement of this Order the Council has not been constituted under paragraph 11(1), the Minister may appoint the first Principal on the recommendation of the Council of the Moi University and the person so appointed shall be deemed to be the Principal appointed under sub-paragraph (1).

The Deputy Principal.

9. (1) The Council shall, in consultation with the Chancellor appoint one or more Deputy Principals, who shall, under the general direction of the Principal, exercise such powers and perform such duties as be provided by the Statutes.

(2) A Deputy Principal shall hold office upon such terms and for such period

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as may be provided by the Statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

10. (1) The Council shall, on advice of the Principal, appoint for each faculty, school, institute, centre, or a department, a dean, director, or a chairman who shall be the academic and administrative head of the faculty, school, institute, centre, or department and shall, under the general direction of the Principal, have such powers and duties as may be provided by Statutes. Deans, directors and chairmen of faculties, etc.

(2) A person appointed as dean, director or chairman shall hold office upon such terms and for such period as may be provided

by the statutes and upon expiration of that period shall be eligible for re-appointment.

11. (1) There shall be a Council of the University College which shall consist of— The Council.

- (a) the Chairman and Vice-Chairman, both of whom shall be appointed by the President in consultation with the Chancellor;
- (b) the Vice-Chancellor Moi University;
- (c) the Principal;
- (d) the Permanent Secretary of the Ministry for the time being responsible for higher education;
- (e) the Permanent Secretary of the Ministry for the time being responsible for finance;
- (f) the Permanent Secretary of the Ministry for the time being responsible for Public Service;
- (g) not more than four members appointed by the Minister to represent the Government;
- (h) one person being a member of the Academic Board;
- (i) one person appointed by the Convocation from among its members;
- (j) one member elected by non Senate members of the academic staff;
- (k) one representative of the Student Organization;
- (l) one person elected by the non-academic staff from among themselves;
- (m) not more than two persons co-opted by the Council.

(2) The Principal shall be the secretary to the Council and shall have

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no voting rights.

(3) Subject to paragraph (4), 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.

(4) 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 Principal;
- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of his office;
- (c) upon his death.

(5) Where the office of a member of the Council becomes

vacant, the Principal shall forthwith notify the vacancy to the appropriate appointing authority.

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined by the Council.

(7) The Council shall exercise prudent leadership, innovative enterprise, and good judgement in directing the University College and shall always act in the best interest of the University College.

Functions of the Council.

12. (1) Subject to this Order, the Council shall be the governing body of the University College through which the University College shall act and—

- (a) shall administer the property and funds of the University College in a manner and for the purposes which shall promote the interest 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 Government of Kenya;
- (b) shall receive, on behalf of the University College, donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University College or other bodies or persons;
- (c) shall approve the appointment criteria and the terms and conditions of service of staff;
- (d) shall provide for the welfare of the staff and students of the University College;
- (e) 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; and

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(f) shall, 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, and all decisions of the Council may be signified under the hand of the Chairman, the Principal or any other members of the Council generally or specifically authorized by the Council in that behalf.

(3) The Council shall ensure that a proper management structure is in place and make sure that the structure functions to maintain corporate integrity, reputation and responsibility.

(4) The Council shall monitor and evaluate the implementation of strategies, policies, and management criteria and plans of the University College.

(5) The Council shall constantly review the viability and financial sustainability of the University College, and shall do so once every year.

(6) The Council shall ensure that the University College complies with all the relevant laws, regulations, governance practices, accounting and auditing standards.

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

- (a) the Principal, who shall be the Chairman;
- (b) the Deputy Principals;
- (c) the deans of the faculties, and directors of schools, institutes and centres;
- (d) the heads of the teaching departments of the University College;
- (e) the Registrar in charge of academic affairs;
- (f) the librarian;
- (g) the Dean of Students;
- (h) the Director of ICT services;
- (i) professors of the University College;
- (j) one representative of each of the faculty or school boards appointed by the respective boards from among its members; and

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(k) two members elected by the students' organization, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the chairman of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

(2) The Deputy Principal for the time being in charge of academics shall be the secretary to the Academic Board.

(3) 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;

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

(c) to propose regulations for consideration by the Senate 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; and

(e) to make regulations governing such other matters as are within its powers in accordance with this Order or the Statutes.

(f) to make proposals relating to the conduct of the University College generally and to discuss any matters relating to the University College and to make representation thereon to the Council.

(4) Notwithstanding any of the provision of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b), (c) or (d) of subparagraph (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.

Management Board.

14. (1) There shall be established a Management Board made up of the following persons—

(a) the Principal, who shall be the Chairman;

(b) the Deputy Principals;

(c) the Registrars;

(d) the Finance Officer; and

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(e) such other member of senior management as the Council may determine.

(2) The Management Board shall assist the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical, and financial resources of the University College;
- (b) making proposals to the Council and the Academic Board on policies that have application across the entire institution;
- (c) the coordination of the University College strategic and development plans; and
- (d) any other matters related to the management of the University College.

15. (1) There shall be an alumni association of the University College which shall consist of graduates of the University College and such other persons as may be prescribed by the Statutes. Alumni association

(2) The alumni association shall have the right to meet and discuss any matter relating to the University College and transmit resolutions thereon to the Council, the Academic Board, or the Senate, and may exercise such other functions as the Statutes may prescribe.

16. (1) The staff of the Moi University Kabianga Campus existing prior to the commencement of this Order including those on secondment are eligible for employment by the University College subject to appraisal by the Council in accordance with the Statutes. Staff of the University College.

(2) The academic staff of the University College shall consist of the Principal, the Deputy Principals, the librarian and all members of staff who are engaged in teaching and research.

(3) The senior management staff of the University College shall consist of the Principal, the Deputy Principals, and the deans of schools and directors of institutes and such other members of staff as the Council may from time to time determine.

(4) The administrative staff of the University College shall consist of the registrars, the finance officer and such other members of staff, not being engaged in teaching or research, as the Council may, from time to time, determine.

(5) The technical staff of the University College shall consist of those staff engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may from time to time determine.

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(6) The support staff of the University College shall consist of those staff engaged in general duties and as the Council may from time to time determine.

(7) All members of staff of the University College shall, subject to this Order, be 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 another institution, the Government or any other public service, on terms and conditions, agreed upon between the Council and the seconding body.

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

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

- (a) be subject to the general authority of the Council and of the Principal; and
- (b) be deemed to be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

Performance of functions in absence of office holder.

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

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, 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 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 said officer during the incapacity.

PART IV—FINANCIAL PROVISIONS

Financial year.

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

Investment of funds.

19. (1) The Council may invest any of the funds of the University College in securities, treasury bonds, trust funds or in any other securities which the Treasury may, from time to time, approve.

(2) The Council may place on deposit with such banks as it may determine

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any moneys not immediately required for the purposes of the University College.

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. Annual estimates.

(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 or 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 equipment and other movable property of the University College;
- (e) for the funding of the cost of teaching, research and outreach activities of 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 building or equipment and in respect of such other matters as the Council may think fit.

(3) In drawing its annual estimates and development plans, the University College shall consult with the Government agency responsible for University grants.

(4) 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.

(5) No expenditure shall be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (4) 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 of accounts of the income, expenditure and assets and of the University College. Accounts and audit.

(2) Within a period of three months from the end of each financial year,

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the Council shall submit to the Controller and Auditor-General, 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.

No 12 of 2003.

(3) The accounts of the University College shall be audited by the Controller and Auditor General in accordance with the Public Audit Act, 2003.

No 12 of 2003.

(4) The Controller and Auditor-General may transmit to the Minister a special report on any matters incidental to his powers under this Order, and section 24(3) and (4) of the Public Audit Act, 2003 shall apply to any report made under this paragraph.

PART V—MISCELLANEOUS

Common seal and
signification of
documents.

22. (1) The common seal of the University College shall be kept in such custody and used only as the Council shall direct.

(2) The common seal of the University College shall be authenticated by the signatures of the Principal together with any other person duly authorized by the Council.

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

Statutes.

23. (1) In the performance of its functions under this Order, the Council shall, subject to this Order, 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 Order, and in particular for the—

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

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College;

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

(h) providing for or prescribing anything, which under this Order, may be provided for or prescribed by statutes.

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

(3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three- fourths of the members present and voting, being not less than two- thirds of the total membership of the Council. Cap. 2

(4) Statutes or regulations made by the Council under this Order shall not 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.

24. (1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words "Kabianga University" together with word "College" unless the application for the registration is accompanied by the written consent of the Council. Protection of name.

(2) Any person who except with the written consent of the Council uses the words "Kabianga University" together with the word

"College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine of one million shillings and imprisonment for a term of twelve months.

Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

25. The status accorded to the University College by this Order as a constituent college of the Moi University shall be transitional only and the University shall initiate the necessary administrative and legal measures to ensure that the University College becomes a fully fledged university. Conversion into a fully fledged university.

[Subsidiary]

L.N. 125/2010.

THE CHEPKOILEL UNIVERSITY COLLEGE ORDER, 2010

Citation.

1. This Order may be cited as the Chepkoilel University College Order, 2010.

Interpretation.

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

“academic Board” means the Academic Board of the University College established under paragraph 13;

“alumni association” means the alumni association of the University College established under paragraph 15;

“chancellor” means the Chancellor of the University;

“Council” means the Council of the University College established under paragraph 11;

“Deputy Principal” means the Deputy Principal appointed by the Council of the University College under paragraph 9;

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

“financial year” means the financial year of the University College as provided for under paragraph 18;

“graduate” means a person upon whom a degree has been conferred in accordance with paragraph 5;

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

“lecturer” means a member of the staff of the University College who is, in terms of appointment, a professor, an associate professor, senior lecturer, lecturer, assistant lecturer, or tutorial assistant, or a person who holds any other teaching post which the Council 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;

“Management Board” means the Management Board of the University College established under paragraph 14;

“Minister” means the Minister for the time being responsible for higher education;

“Principal” means the Principal of the University College appointed under paragraph 8;

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“professor” means a professor of the University College;

“registrar” means the registrar appointed by the Council;

“school” means a school of the University College established under the statutes;

“Senate” means the senate of the University;

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

“statutes” means Statutes of the University College made by the Council under this Order;

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

“University College” means the Chepkoilel University College established under paragraph 3;

“University” means the Moi University established under section 3 of the Act; and

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under section 10 of the Act.

3. (1) There is established a university college to be known as the Chepkoilel University College which shall be a constituent college of the Moi University. Establishment of the university college.

(2) The University College 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 and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Order which may be done

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by a body corporate.

(3) The University College shall be the successor to Moi University Chepkoilel Campus.

(4) All rights, liabilities and assets held by or by any body on behalf of Moi University Chepkoilel Campus, existing at the commencement of this Order, shall be automatically and fully transferred to the University College.

4. (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 technological, scientific 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 and enhancement of knowledge and to stimulate the intellectual participation of students in the economic, social, cultural, scientific and technological development of Kenya;
- (c) to provide and advance university education and training to appropriately qualified candidates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time to time determine and in so doing, contribute to manpower needs;
- (d) to conduct examinations for such academic awards as may be provided in the statutes pertaining to the University College; and
- (e) to examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study.
- (f) play a leading role in the development and expansion of the opportunities for higher education and research;
- (g) develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovation, research and consultancy services;
- (h) participate in commercial ventures and other activities to the benefit of the institution, the community and stakeholders;
- (i) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular foster corporate social responsibility and the practical arts;
- (j) provide programmes, products and services in ways that reflect the principles of equity and social justice;

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(k) facilitate student mobility between different programmes at different training institutions, universities and industry; and

(l) foster the general welfare of all staff and students.

(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 Order and the Act without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender; and no barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer, graduate or student of the University College, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction.

5. (1) The degrees and postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas conferred by Moi University. Conferment of degrees, etc.

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

6. Subject to this Order, the University College may award scholarships, bursaries and prizes and make other awards which may be provided for by the statutes. Award of scholarships, bursaries etc.

PART II—MEMBERSHIP AND THE GOVERNMENT OF THE UNIVERSITY COLLEGE

7. The members of the University College shall be—

Membership of the
University College.

(a) the Chancellor of Moi University;

(b) the Vice-Chancellor of Moi University;

(c) the Principal;

(d) the Deputy Principals;

(e) the members of the Council;

(f) the members of the Academic

(g) the librarian of the University College;

(h) the professors of the University College;

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- (i) the lecturers of the University College;
- (j) the Registrars;
- (k) the Finance Officer
- (l) the Dean of students
- (m) the Director of ICT services;
- (n) the students of the University College;
- (o) the Alumni; and
- (p) such other members of 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.

8. (1) There shall be a Principal of the University College who shall be appointed by the Minister on advice of the Council, and in consultation with the Chancellor.

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

- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provided by the Statutes.

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

(4) Despite sub-paragraph (1), the Minister may appoint the first Principal on the recommendation of the Council of the Moi University and the person so appointed shall be considered to be the Principal appointed under sub-paragraph (1).

The Deputy Principal.

9. (1) The Council shall, in consultation with the Chancellor, appoint one or more Deputy Principals, who shall, under the general direction of the Principal, exercise such powers and perform such duties as may be provided by the Statutes.

(2) A Deputy Principal shall hold office upon such terms and for such period as may be provided by the Statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

Deans, directors and chairmen of

10. (1) The Council shall, on advice of the Principal, appoint for each faculty, school, institute, centre, or a department, a dean, director, or a chairman who shall

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be the academic and administrative head of the faculty, school, institute, centre, faculties, etc. or department and shall, under the general direction of the Principal, have such powers and duties as may be provided by Statutes.

(2) A person appointed as dean, director or chairman shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for re- appointment.

11. (1) There shall be a Council of the University College which shall The Council. consist of—

- (a) the Chairman and Vice-Chairman, both of whom shall be appointed by the president in consultation with the Chancellor;
- (b) the Vice-Chancellor Moi University;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the Permanent Secretary of the Ministry for the time being responsible for higher education;
- (f) the Permanent Secretary of the Ministry for the time being responsible for finance;
- (g) two persons being members of the Academic Board;
- (h) one person appointed by the Minister to represent professional associations;
- (i) two persons appointed by the Minister to represent special interest;
- (j) one person nominated by the Alumni Association from among its members;
- (k) two persons, one nominated by the academic staff and the other by the non-academic staff;
- (l) a representative of the student organisation;
- (m) not more than two persons co-opted by the Council.

(2) The Principal shall be the secretary to the Council.

(3) Subject to paragraph (4), 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 for a further term of three years.

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

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- (a) if, not being an *ex officio* member, he resigns his office by giving a notice, in writing, to the Principal; or
- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of his office; or
- (c) upon his death.

(5) Where the office of a member of the Council becomes vacant, the Principal shall forthwith notify the vacancy to the appropriate appointing authority.

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined by the Council.

(7) The Council shall exercise prudent leadership, innovative enterprise, and good judgement in directing the University College and shall always act in the best interest of the University College.

Functions of the Council.

12. (1) Subject to this Order, the Council shall be the governing body of the University College through which the University College shall act and—

- (a) shall administer the property and funds of the University College in a manner and for the purposes which shall promote the interest 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 Government of Kenya;
- (b) shall receive, on behalf of the University College, donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University College or other bodies or persons;
- (c) shall approve the appointment criteria and the terms and conditions of service of staff;
- (d) shall provide for the welfare of the staff and students of the University College;
- (e) 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; and
- (f) 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 or any other members of the Council generally or specifically authorized by the Council in that behalf.

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(3) The Council shall ensure that a proper management structure is in place and make sure that the structure functions to maintain corporate integrity, reputation and responsibility.

(4) The Council shall monitor and evaluate the implementation of strategies, policies, and management criteria and plans of the University College.

(5) The Council shall constantly review the viability and financial sustainability of the University College, and shall do so once every year.

(6) The Council shall ensure that the University College complies with all the relevant laws, regulations, governance practices, accounting and auditing standards.

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

- (a) the Principal, who shall be the Chairman;
- (b) the Deputy Principals;
- (c) the deans of the faculties, and directors of schools, institutes and centres;
- (d) the heads of the teaching departments of the University College;
- (e) the Registrar in charge of academic affairs;
- (f) the librarian;
- (g) the Dean of students;
- (h) the Director of ICT services;
- (i) the professors of the University College;
- (j) one representative of each of the faculty or school boards appointed by the respective boards from among its members; and
- (k) two members elected by the students' organization, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the chairman of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

(2) The Deputy Principal for the time being in charge of academics shall be the secretary to the Academic Board.

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

- (a) to satisfy itself regarding the content and academic standard of

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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;

- (b) to propose regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;
- (c) to propose regulations for consideration by the Senate 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; and
- (e) to make regulations governing such other matters as are within its powers in accordance with this Order or the Statutes.

(4) Despite any of the provision of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b), (c) or (d) of subparagraph (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.

Management
Board.

14. (1) There shall be established a Management Board made up of the following persons—

- (a) the Principal, who shall be the chairman;
- (b) the Deputy Principals;
- (c) the Registrar in charge of administration, who shall be the secretary;
- (d) the Registrar in charge of academic affairs;
- (e) the Finance Officer; and
- (f) such other member of senior management as the Council may determine.

(2) The Management Board shall assist the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical, and financial resources of the University College;
- (b) making proposals to the Council and the Academic Board on policies that have application across the entire institution;

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(c) the coordination of the University College strategic and development plans; and

(d) any other matters related to the management of the University College.

15. (1) There shall be an alumni association of the University College which shall consist of graduates of the University College and such other persons as may be prescribed by the Statutes. Alumni association.

(2) The alumni association shall have the right to meet and discuss any matter relating to the University College and transmit resolutions thereon to the Council, the Academic Board, or the Senate, and may exercise such other functions as the Statutes may prescribe.

16. (1) The staff of the Moi Chepkoilel University Campus existing prior to the commencement of this Order including those on secondment are eligible for employment by the University College subject to appraisal by the Council in accordance with the Statutes. Staff of the University College.

(2) The academic staff of the University College shall consist of the Principal, the Deputy Principals, the librarian and all members of staff who are engaged in teaching and research.

(3) The senior management staff of the University College shall consist of the Principal, the Deputy Principals, and the deans of schools and directors of institutes and such other members of staff as the Council may from time to time determine.

(4) The administrative staff of the University College shall consist of the registrars, the finance officer and such other members of staff, not being engaged in teaching or research, as the Council may, from time to time, determine.

(5) The technical staff of the University College shall consist of those staff engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may from time to time determine.

(6) The support staff of the University College shall consist of those staff engaged in general duties and as the Council may from time to time determine.

(7) All members of staff of the University College shall, subject to this Order, be 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 another institution, the Government or any other public service, on terms and conditions agreed upon

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between the Council and the seconding body.

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

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

(a) be subject to the general authority of the Council and of the Principal;
and

(b) be considered to be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

Performance
of functions in
absence of office
holder.

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

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, 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 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 said officer during the incapacity.

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

PART IV—FINANCIAL PROVISIONS

Financial year.

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

Investment of
funds.

19. (1) The Council may invest any of the funds of the University College in securities, treasury bonds, trust funds or in any other securities which the Treasury may, from time to time, approve.

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

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—

[Subsidiary]

- (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 equipment and other movable property of the University College;
- (e) for the funding of the cost of teaching, research and outreach activities of the University College;
- (f) for development; and
- (g) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.

(3) In drawing its annual estimates and development plans, the University College shall consult with the Government agency responsible for university grants.

(4) 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.

(5) Expenditure shall not be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (4) or in accordance with 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 of accounts of the income, expenditure and assets and 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 Controller and Auditor- General, 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.

[Subsidiary]

No. 12 of 2003. (3) The accounts of the University College shall be audited by the Controller and Auditor General in accordance with the Public Audit Act.

No. 12 of 2003. (4) The Controller and Auditor-General may transmit to the Minister a special report on any matters incidental to his powers under this Order, and section 24 (3) and (4) of the Public Audit Act shall apply to any report made under this paragraph.

PART V—MISCELLANEOUS

Common seal and
signification of
documents.

22. (1) The common seal of the University College shall be kept in such custody and used only as the Council shall direct.

(2) The common seal of the University College shall be authenticated by the signatures of the Principal together with any other person duly authorized by the Council.

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

Statutes.

23. (1) In the performance of its functions under this Order, the Council shall, subject to this Order, 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 Order, and in particular for the—

- (a) establishment of faculties, schools, and institutes of the University College;
- (b) description of degrees, diplomas, certificates, and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing fees and other charges;
- (f) setting 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) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and
- (h) providing for or prescribing anything, which, under this Order, may be provided for or prescribed by statutes.

[Subsidiary]

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

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

(4) Statutes or regulations made by the Council under this Order shall not 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. (1) Despite the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words “Chepkoilel University” together with word “College” unless the application for the registration is accompanied by the written consent of the Council. Protection of name.

(2) Any person who except with the written consent of the Council, uses the words “Chepkoilel University” together with the word “College” in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine of one million shillings and imprisonment for a term of twelve months.

Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

25. The status accorded to the University College by this Order as a constituent college of the Moi University shall be transitional only and the University shall initiate the necessary administrative and legal measures to ensure that the University College becomes a fully fledged university. Conversion into a fully fledged university.

[Subsidiary]
L.N. 163/2010.

KARATINA UNIVERSITY COLLEGE ORDER , 2010

Citation. 1. This Order may be cited as the Karatina University College Order, 2009.

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

“Academic board” means the Academic Board of the University College established under paragraph 1;

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

“Chancellor” means the Chancellor of the University

“Council” means the Council of the University College established under paragraph 11;

“Deputy Principal” means the Deputy Principal appointed by the Council of the University College under paragraph 9;

“Faculty” means a faculty of the University College established under the statute;

“Financial year” means the financial year of the University College as provided for under paragraph 1;

“Graduate” means a person upon whom a degree has been conferred in accordance with paragraph 5;

“Incapacity” means inability to perform functions of the office concerned;

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

“lecturer” means a member of the staff of the University College who is, in terms of appointment, a professor, an associate professor, senior lecturer, lecturer, assistant lecturer, or tutorial fellow or a person who holds any other teaching post which the Council on the recommendation of the senate has recognized as a post having academic status in the University College;

“ Management Board” means the Management Board of the University College established under paragraph 14;

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

“Minister” means the Minister for the time being responsible for University Education;

“Principal” means the Principal of the University College appointed under paragraph 8;

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“Professor” means a full Professor of the University College;

“Registrar” means the registrar appointed by the Council;

“School” means a school of the University College established under the statutes;

“Senate” means the senate of the University;

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

“Statutes” means Statutes of the University College made by the Council under this Order under paragraph 23;

“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;

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

“University College” means the Karatina University College established under paragraph 1;

“University” means Moi University established under section 3 of the Act; and

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under section 10 of the Act.

ESTABLISHMENT OF POWERS AND FUNCTIONS OF THE
UNIVERSITY COLLEGE

3.(1) There is hereby established a university college to be known as the Karatina University College which shall be a constituent college of Moi University. Establishment of the university college.

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

(a) suing and being sued;

(b) taking, possessing or otherwise acquiring, holding, charging and disposing of movable and immovable property;

(c) receiving, investing, borrowing and lending money, and

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(d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Order which may be lawfully done by a body corporate.

(2) The University College shall be the successor to Moi University Chepkoilel Campus

(4) All rights, liabilities and assets held by or by any body on behalf of the Moi University Karatina Campus, existing at the commencement of this Order, shall be automatically and fully transferred to the University College be —

Functions and objects
of University
College.

4. (1) The objects and functions of the University College shall

- (a) to provide directly, or in collaboration with other institutions of higher learning, facilities for university education (including technological, scientific 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 and enhancement of knowledge and to stimulate the intellectual life in the economic, social, cultural, scientific and technological development of Kenya;
- (c) to provide and advance university education and training to appropriately qualified candidates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time to time determine and in so doing, contribute to manpower needs;
- (d) to conduct examinations for such academic awards as may be provided in the statutes pertaining to the University College; and
- (e) to examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study;
- (f) play a leading role in the development and expansion of the opportunities for higher education and research;
- (g) develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovation, research and consultancy services;
- (h) participate in commercial ventures and other activities to the benefit of the institution, the community and stakeholders;
- (i) develop and provide educational, cultural, professional, technical

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and vocational services to the community and in particular foster corporate social responsibility and the practical arts;

- (j) provide programmes, products and services in ways that reflect the principles of equity and social justice;
- (k) facilitate student mobility between different programmes at different training institutions, universities and industry;
- (l) foster the general welfare of all staff and students

(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 Order and the Act without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender; and no barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction.

5. (1) The degrees and Postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas conferred by Moi University. Conference of degrees.

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

6. Subject to this Order, the University College may award scholarships, bursaries and prizes and make other awards which may be provided for by the statutes. Award of scholarships, bursaries, etc.

PART III—MEMBERSHIP AND THE GOVERNMENT OF THE UNIVERSITY COLLEGE

7. The members of the University College shall be— Membership of the University.

- (a) the Chancellor of Moi University;
- (b) the Vice-Chancellor of the Moi University;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the Librarian of the University College;

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- (h) the Professors of the University College;
- (i) the Lecturers of the University College;
- (j) the Registrars;
- (k) the Finance Officer;
- (l) the Dean of students; (m) the Director of ICT services;
- (n) the students of the University College;
- (o) the Alumni; and
- (p) such other members of 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.

Membership of the University.

8. (1) There shall be a Principal of the University College who shall be appointed by the Minister on the recommendation of the Council.

(2) The Principal shall be the Chief Executive of the University College and shall—

- (a) be the academic and administrative head of the University College
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) be responsible to the Council for the general conduct and discipline of the staff and students
- (d) have such powers and duties as may be provided by the Statutes

(3) The Principal shall hold office upon such terms and for such period as may be provided by the Statutes and upon expiration of that period shall be eligible for reappointment for one further term.

(4) Notwithstanding sub-paragraph (1), the Chancellor may appoint the first Principal on the recommendation of the Council of Moi University and the person so appointed shall be deemed to be the Principal appointed under sub-paragraph (1)

The Deputy Principals.

9. (1) The Council shall, in consultation with the Chancellor, competitively appoint Deputy Principals, to be responsible for academic affairs, administration, finance, planning, research and extension services, who shall, under the general direction of the Principal, exercise such powers and perform such duties as may be provided by the Statutes.

(2) A Deputy Principal shall hold office upon such terms and for such period as may be provided by the Statutes and upon expiration of that period

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shall be eligible for re-appointment for one further term.

10. (1) The Council shall, on advice of the Principal, appoint for each Faculty, School, Institute, Centre, or Department, a Dean, Director or a Chairperson who shall be the academic head of Faculty School Institute Centre or Department and shall, under the general direction of the Principal, have such powers and duties as may be provided by statutes.

Deans, Directors and Heads of Faculties, etc

(2) A person appointed as Dean, Director or Chairperson shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for re- appointment.

11. (1) There shall be a Council of the University College which shall consist of— The Council.

(a) the Chairman, and Vice-Chairman and both of whom shall be appointed by the President;

(b) the Vice-Chancellor Moi University;

(c) the Principal;

(d) the Deputy Principals;

(e) the Permanent Secretary of the Ministry for the time being responsible for university education;

(f) the Permanent Secretary of the Ministry for the time being responsible for finance;

(g) two persons being a member of the Academic Board; (h) one person appointed by the Minister to represent Professional Associations;

(i) two persons appointed by the Minister to represent special interests;

(j) one person nominated by the Alumini Association from among its members;

(k) two person nominated by one Academic Staff and the other by the non-academic staff;

(l) a representative of the student organization; (m) not more than two persons co-opted by the Council.

(2) The Principal shall be the Secretary to the Council

(3) Subject to paragraph (4), 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

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

[Subsidiary]

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

(5) Where the office of a member of the Council becomes vacant, the Principal shall forthwith notify the vacancy to the appropriate appointing authority.

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined by the Council.

(7) The Council shall exercise prudent leadership, innovative enterprise, and good judgment in directing the University College and shall always act in the best interest of the University College.

Functions of the Council.

12. (1) Subject to this Order, 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 the purposes which shall promote the best interest of the University College; but the Council shall not charge or dispose of immovable property of the University College except in accordance with procedures laid down by the Government of Kenya.
- (b) shall receive, on behalf of the University College, donations, endowments, gifts, grants or other moneys and make disbursements there from to the University College or other bodies or persons.
- (c) shall approve the appointment criteria and the terms and conditions of service of staff;
- (d) shall provide for the welfare of the staff and students of the University College.
- (e) 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; and
- (f) shall, 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 or any other members of the Council

[Subsidiary]

generally or specifically authorized by the Council in that behalf.

(3) The Council shall ensure that a proper management structure is in place and make sure that the structure functions to maintain corporate integrity, reputation and responsibility.

(4) The Council shall monitor and evaluate the implementation of strategies, policies, and management criteria and plans of the University College.

(5) The Council shall constantly review the viability and financial sustainability of the University College and shall do so once every year

(6) The Council shall ensure that the University College complies with all the relevant laws, regulations, governance practices accounting and auditing standards

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

- (a) the Principal who shall be the Chairman;
- (b) the Deputy Principals;
- (c) the Deans of the Faculties, and Directors of Schools, Institutes and Centres;
- (d) the Heads of the teaching Departments of the University College;
- (e) the Registrar in charge of Academic Affairs;
- (f) the Librarian;
- (g) the Dean of students;
- (h) the Director of ICT services;
- (i) the Professors of the University College;
- (j) one representative of each of the Faculty or School Boards appointed by the respective Boards from among its members; and
- (k) two members elected by the students' organization, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the Chairman of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

(2) The Deputy Principal for the time being in charge of academics shall be the Secretary to the Academic Board

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

[Subsidiary]

- (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;
- (b) to propose regulations for considerations by the Senate regarding the eligibility of persons for admission to a course of study;
- (c) to propose regulations for consideration by the Senate 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; and
- (e) to make regulations governing such other matters as are within its powers in accordance with this Order or the Statutes;
- (f) to make proposals relating to the conduct of the University College generally and to discuss any matters relating to the University College and to make representation thereon to the Council.

(4) Notwithstanding any of the provision of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b), (c), or (d) of subparagraph (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.

Management Board.

14. (1) There shall be established a Management Board made up of the following persons—

- (a) the Principal who shall be the chairman;
- (b) the Deputy Principals;
- (c) the Registrar in charge of administration, who shall be the Secretary;
- (d) the Registrar in charge of academic affairs;
- (e) the Finance Officer; and
- (f) such other member of senior management as the Council may determine.

(2) The Management Board shall assist the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

[Subsidiary]

- (a) the efficient management of the human, physical, and financial resources of the University College;
- (b) making proposals to the Council and the Academic Board on policies that have application across the entire institution;
- (c) the coordination of the University College strategic and development plans; and
- (d) any other matters related to the management of the University College;

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

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

16. (1) The staff of Moi University Karatina Campus existing prior to the commencement of this Order including those on secondment are eligible for employment by the University College subject to appraisal by the Council in accordance with the Statutes. Staff of the University College.

(2) The Academic Staff of the University College shall consist of the Principal, the Deputy Principals, the librarian and all members of staff who are engaged in teaching and research.

(3) The Senior Management Staff of the University College shall consist of the Principal, the Deputy Principals, and the Deans of Schools and Directors of Institutes and such other members of staff as the Council may from time to time determine.

(4) The Administrative Staff of the University College shall consist of the Registrars, the Finance Officer and such other members of staff, not being engaged in teaching or research, as the Council may, from time to time, determine.

(5) The Technical Staff of the University College shall consist of those staff engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may from time to time, determine.

(6) The Support Staff of the University College shall consist of those staff engaged in general duties and as the Council may from time to time determine.

(7) All members of staff of the University College shall, subject to this Order, be appointed either—

[Subsidiary]

- (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 another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

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

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

- (a) be subject to the general authority of the Council and of the Principal; and
- (b) be deemed to be employed in accordance with the statutes or as otherwise specifically provided by the statutes or by the terms of a particular appointment.

Performance of functions in absence of office holder.

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

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, 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 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 said officer during the incapacity.

(4) In this paragraph “incapacity” means absence from Kenya of inability for any other reason to perform the functions of the office concerned.

PART IV—FINANCIAL PROVISIONS

Financial year.

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

Investment of funds.

19 (1) The Council may invest any of the funds of the University College in securities, treasury bonds, trust funds or in any other securities which the Treasury may, from time to time, approve.

(2) The Council may place on deposit with such banks as it may determine any moneys not immediately required for the purpose of the University College

[Subsidiary]

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. Annual estimates.

(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 building and grounds of the University College
- (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University College.
- (e) for the funding of the cost of teaching, research and outreach activities of the University College.
- (f) for the creation of such funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.

(3) In drawing its annual estimates and developments plans, the University College shall consult with the Council of Moi University and the Government agency responsible for university grants.

(4) 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.

(5) No expenditure shall be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (4) or in pursuance of an authorization of the Council give with the prior approval of the Minister

21. (1) The Council shall cause to be kept all proper books of accounts of the income, expenditure and assets and 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 Controller and Auditor- General, the accounts of the University College together with—

[Subsidiary]

(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.

Act No. 12 of 2003.

(3) The accounts of the University College shall be audited by the controller and auditor general in accordance with the Public Audit Act, 2003.

Act No. 12 of 2003.

(4) The Controller and Auditor-General may transmit to the Minister a special report on any matters incidental to his powers under this Order, and section 24 (3) and (4) of the Public Audit Act, 2003 shall apply to any report made under this paragraph.

PART V—MISCELLANEOUS

Common seal and
signification of
documents.

22. (1) The common seal of the University College shall be kept in such custody and used only as the Council shall direct.

(2) The common seal of the University College shall be authenticated by the signatures of the Principal together with any other person duly authorized by the Council.

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

Statutes.

23. (1) In the performance of its functions under this Order, the Council shall, subject to this Order, 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 Order, and in particular for the—

(a) establishment of faculties, schools and institutes of the university college

(b) description of degrees, diplomas, certificates, and other academic qualifications

(c) requirement for conferment of degrees and awarded of diplomas, certificates and other academic qualifications

(d) conduct of examinations

(e) prescribing fees and other charges;

(f) setting 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) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees

[Subsidiary]

of the Council; and

(h) providing for or prescribing anything, which, under this Order, may be provided for or prescribed by statutes

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

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

(4) Statutes or regulations made by the Council under this Order 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

24. (1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the word "Karatina University" together with word "College" unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words "Karatina University" together with the word "College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine of one million shilling and imprisonment for a term not exceeding twelve months.

Provided that nothing in this paragraph shall be construed as preventing the bona fide use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College

The status accorded to the University College by this Order as a constituent college of the Moi University shall be transitional only and the university shall initiate the necessary administrative and legal measures to ensure that the University College becomes a fully fledged university

