6. The Corporation in exercise of its powers shall—
   (a) own, manage and maintain its assets and conference facilities;
   (b) administer its assets and funds in such manner and such purpose as will promote the best interest of the corporation;
   (c) determine and collect fees and charges accruing from the use of its facilities;
   (d) apart from raising its own funds, receive and borrow funds in accordance with the provisions of the State Corporations Act and other relevant laws from other sources including the exchequer in running its activities and functions under this Order;
   (e) enter into associations with other persons, bodies or organizations within or outside Kenya as the corporation may deem desirable or appropriate and in furtherance of the purposes for which its is established.

7. The Corporation shall engage and employ such number of staff including the Chief Executive Officer on such terms and conditions of service as the Minister may, in consultation with the State Corporations Advisory Committee, approve.

8. The funds and accounts of the Corporation shall be managed in accordance with the provisions of the State Corporations Act, the Exchequer and Audit Act and all other relevant laws.


MWAI KIBAKI,
President.

LEGAL NOTICE NO. 78
THE STATE CORPORATIONS ACT
(Cap. 446)

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

THE NATIONAL AIDS CONTROL COUNCIL (AMENDMENT) ORDER, 2004

1. This Order may be cited as the National AIDS Control Council (Amendment) Order, 2004.

2. The National AIDS Control Council Order, 1999, is amended in paragraph 5—
   (a) by deleting the word “two” appearing in subparagraph (1) and substituting therefor the word “three”;
   (b) by deleting subparagraph (2) and substituting therefor the following new paragraph—

   “(2) The three Deputy Directors of the Council shall be appointed by the Council as follows—
   (a) the Deputy Director, Policy, Strategy and Communication who shall be responsible for the development of policy and strategy, research and communication;
   (b) the Deputy Director, Co-ordination and Support who shall be responsible for co-ordination and support of the Council’s activities; and
   (c) the Deputy Director, Finance and Administration who shall be responsible for all administrative and financial matters”.


MWAI KIBAKI,
President.

LEGAL NOTICE NO. 79
THE STATE CORPORATIONS ACT
(Cap. 446)

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

THE KENYA MARITIME AUTHORITY ORDER, 2004

1. This Order may be cited as the Kenya Maritime Authority Order, 2004.

2. There is established a State Corporation to be known as the Kenya Maritime Authority (hereinafter called “the Authority”) which shall be a body corporate in accordance with section 3 of the Act and which shall perform and exercise the duties, functions and powers specified in the Act and in this Order.

3. (1) There shall be a Board of Directors of the Authority which shall be the governing body of the Authority consisting of—
   (a) a chairman appointed by the President;
(b) the Director-General of the Authority;
(c) the following persons or their representatives—
   (i) the Permanent Secretary in the Ministry for the time being responsible for matters relating to maritime transport;
   (ii) the Permanent Secretary in the Ministry for the time being responsible for matters relating to finance; and
   (iii) the Attorney-General;
   (d) six other persons with knowledge and experience in matters relating to the regulation of the shipping industry, pilotage service, maritime security, seafarers welfare, ports and harbours, appointed by the Minister.

(2) The Chairman and the Members of the Authority appointed under subparagraph (1) shall hold office for a term of three years but shall be eligible for re-appointment.

(3) If a member of the Board appointed under subparagraph (1) dies; resigns; gets his appointment revoked; or ceases to be a member of the Board for any other reason other than the above, the Minister may appoint another person to take the place of that member and the person so appointed shall hold office until the expiration of the term of office of the member in whose place he has been appointed.

(4) The Chairman shall notify the Minister as soon as a vacancy occurs in the membership of the Board, and the Minister shall appoint a member to fill such vacancy within one month of receiving the notice.

4. (1) There shall be a Director-General of the Authority who shall be appointed by the Minister, from a list of persons, recommended by the Board of the Authority.

(2) No person shall be appointed under paragraph (1) unless such person is a holder of at least a degree from a recognized university or its equivalent and has at least ten (10) years working experience in a relevant field, which in the opinion of the Board and that of the Minister, is sufficient to enable the person so appointed to carry out his or her duties as the Director-General.

(3) The Director-General shall hold office on such terms and conditions as shall be specified in the instrument of appointment.

(4) The Director-General shall be the chief executive of the Authority.

5 The Authority may employ such staff or agents as it deems necessary for the discharge of its functions and duties under this Order upon such terms and conditions as it may determine.

6. (1) There shall be a Corporation Secretary who shall be appointed by the Authority on such terms and conditions as the Authority may determine and who shall perform such duties as the Authority may, from time to time, assign.

(2) In the performance of his or her duties under this Order, the Corporation Secretary shall be responsible to the Director-General.

7. The principal objects of the Authority are to regulate, co-ordinate and oversee maritime affairs.

8 (1) The functions of the Authority are to carry out such activities as may be necessary to give effect to the objects specified in paragraph 7, and without prejudice to the generality of the foregoing the Authority shall have the power to—
   (a) co-ordinate the implementation of policies relating to maritime affairs and promote the integration of such policies into the national development projects;
   (b) advise the Government on legislative and other measures necessary for the implementation of relevant international conventions, treaties and agreements to which Kenya is a party;
   (c) undertake and co-ordinate research, investigation and surveys in the maritime field;
   (d) discharge flag State and port State responsibilities in an efficient and effective manner having regard to international maritime conventions, treaties, agreements and other international instruments;
   (e) develop, co-ordinate and manage a national oil spill contingency plan for both coastal and inland waters and shall in the discharge of this responsibility be designated as the "competent oil spill authority";
   (f) maintain and administer a ship register;
   (g) deal with matters pertaining to maritime search and rescue and co-ordinate the activities of the Kenya Ports Authority, the Kenya Navy and any other body engaged during search and rescue operations;
   (h) enforce safety of shipping including compliance with construction regulations, maintenance of safety standards and safety navigation rules;
   (i) conduct regular inspection of ships to ensure maritime safety and prevention of maritime pollution;
   (j) oversee matters pertaining to the training, recruitment and welfare of Kenya seafarers;
   (k) plan, monitor and evaluate training programmes to ensure
12. The provisions of this Order shall not relieve the Authority of the liability to pay compensation or damages to any person for any injury to him or his property or any of his interests caused by the exercise of any power conferred by this Order or by the failure, whether wholly or partially, of any action.

13. The Authority may, by resolution, either generally or in any particular case, delegate to a committee of the Authority or to any member, officer, employee or agent of the Authority the exercise of any of the powers or the performance of any of the functions or duties the Authority is authorized by this Order to exercise or perform.

14. In addition to any gifts, grants, donations, fees or other moneys which the Authority may receive, there shall be paid to the Authority by way of grants in every financial year, out of money appropriated by Parliament for the purpose of carrying out the functions of the Authority, such sum as the Minister may determine as being necessary to enable the Authority to carry out its functions, having regard to the estimate for the year approved under section 11 of the Act.


MWAI KIBAKI,
President.

LEGAL NOTICE NO. 80
THE BANKING ACT
(Cap. 488)

IN EXERCISE of the powers conferred by section 31 (3) (b) and 55 (1) of the Banking Act, the Minister for Finance makes the following Regulations:

THE BANKING (EXCHANGE OF INFORMATION) REGULATIONS, 2004

1. These Regulations may be cited as the Banking (Exchange of Information) Regulations, 2004.
12. The provisions of this Order shall not relieve the Authority of liability to pay compensation or damages to any person for any injury to him or his property or any of his interests caused by the exercise of any power conferred by this Order or by the failure, whether wholly or partially, of any action.

13. The Authority may, by resolution, either generally or in any particular case, delegate to a committee of the Authority or to any member, officer, employee or agent of the Authority the exercise of any of the powers or the performance of any of the functions or duties the Authority is authorized by this Order to exercise or perform.

14. In addition to any gifts, grants, donations, fees or other moneys which the Authority may receive, there shall be paid to the Authority by way of grants in every financial year, out of money appropriated by Parliament for the purpose of carrying out the functions of the Authority, such sum as the Minister may determine as being necessary to enable the Authority to carry out its functions, having regard to the estimate for the year approved under section 11 of the Act.


MWAI KIBAKI,
President.

LEGAL NOTICE NO. 80

THE BANKING ACT
(Cap. 488)

IN EXERCISE of the powers conferred by section 31 (3) (b) and 55 (1) of the Banking Act, the Minister for Finance makes the following Regulations:

THE BANKING (EXCHANGE OF INFORMATION) REGULATIONS, 2004

1. These Regulations may be cited as the Banking (Exchange of Information) Regulations, 2004.