LEGAL NOTICE No. 38

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 BRAND KENYA BOARD ORDER, 2008

PART I—PRELIMINARY

1. This Order may be cited as the Brand Kenya Board Order, 2008.

2. In this Order, unless the context otherwise requires—
   "Board" means the Brand Kenya Board established under paragraph 3;
   "financial year" means a period of twelve months ending on the thirtieth June in each year; and
   "Minister" means the Minister for the time being responsible for matters relating to information and communications.

PART II—ESTABLISHMENT OF THE BOARD

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

   (2) The Board shall consist of—

   (a) a non-executive chairman appointed by the President;
   (b) the Permanent Secretary of the Ministry for the time being responsible for information and communications;
   (c) the Permanent Secretary of the Ministry for the time being responsible for finance;
   (d) the Permanent Secretary of the Ministry for the time being responsible for trade and industry;
   (e) the Permanent Secretary of the Ministry for the time being responsible for foreign affairs;
   (f) the Permanent Secretary of the Ministry for the time being responsible for public service;
(g) the Permanent Secretary of the Ministry for the time being responsible for tourism;

(h) a chief executive officer appointed by the Minister; and

(i) at least seven persons appointed by the Minister by virtue of their knowledge or experience and past and current membership to professional organizations in matters relating to marketing, communication, or related fields.

(3) The Minister shall, in appointing members under subparagraph (2) (i), have regard to the principle of gender equity.

(4) Every appointment under subparagraph (2) (a), (h) and (i) shall be by name and notice in the Gazette, and shall be for a renewable period of three years.

4. The principal objectives of the Board shall be to—

(a) co-ordinate initiatives for marketing the country in order to maximize their efficiency; and

(b) create and maintain the Kenya brand to identify and distinguish Kenyan products, services and concepts.

5. The functions of the Board shall be to—

(a) establish a brand for Kenya which positions the country optimally in terms of investment, creditworthiness, tourism and international relations;

(b) unite Kenyans and provide them with positive information about the country in order to promote patriotism and national pride;

(c) establish an integrated approach within Government and the private sector towards the international marketing of Kenya;

(d) build national support for the brand within Kenya with the co-operation of the Government, non-governmental organizations and the private sector;

(e) promote local products and services to encourage economic transformation;

(f) encourage commitment to quality and innovation among the businesses and people;

(g) assist the different towns and cities in the country to improve their image; and

(h) undertake measures aimed at improving the international image of Kenya.

6. The Board may employ such number of staff on such terms and conditions of service as the Board may deem fit.
PART III—FINANCIAL PROVISIONS

7. The funds of the Board shall consist of—

(a) such monies as may be appropriated by Parliament for purposes of the Board;

(b) such monies or assets as may accrue to the Board in the course of the performance of its functions under this Order;

(c) grants and donations.

8. (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of its revenue and expenditure for that year.

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

(a) the payment of salaries, allowances and other charges in respect of the staff and members of the Board;

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

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

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

(e) the creation of reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment or in respect of such other matters as the Board may deem fit.

(3) The annual estimates shall be submitted to the Minister for approval before the commencement of the financial year to which they relate, and once approved, the sum provided in the estimates shall not be increased without the prior consent of the Minister.

(4) No expenditure shall be incurred for the purposes of the Board except in accordance with the annual estimates approved under subparagraph (3) or in pursuance of the authorization of the Board.

9. (1) The Board shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities of the Board.

(2) Within a period of three months after the end of each financial year, the Board shall submit to the Controller and Auditor-General or to an auditor appointed under subparagraph (3), the accounts of the Board together with—

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

(b) a statement of the assets and liabilities of the Board on the last day of the financial year.
(3) The accounts of the Board shall be audited by the Controller and Auditor-General in accordance with the provisions of the Public Audit Act, 2003, or by an auditor appointed by the Board with the written approval of the Controller and Auditor-General.

(4) The appointment of an auditor appointed under subparagraph (3) shall not be terminated by the Board without prior written consent of the Controller and Auditor-General.

(5) The Controller and Auditor-General may give general or special directions to an auditor appointed under subparagraph (3) and the auditor shall comply with those directions.

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

(7) Within a period of six months after the end of each financial year, the Controller and Auditor-General shall report on the examination and audit of the accounts to the Board and to the Minister, and in the case of an auditor appointed under subparagraph (3), the auditor shall transmit a copy of the report to the Controller and Auditor-General.

(8) Nothing in this Order shall be construed to prohibit the Controller and Auditor-General from carrying out an inspection of the Board’s accounts or records whenever it appears to him desirable, and the Controller and Auditor-General shall carry out such an inspection at least once every six months.

(9) The Minister shall lay the report prepared in accordance with subparagraph (7) before the National Assembly as soon as reasonably practicable after the report is submitted to him.

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

(2) The Board may place on deposit with such bank or banks as it may determine, any monies not immediately required for its purposes.

PART IV—MISCELLANEOUS

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

(2) The Minister shall lay the report submitted under subparagraph (1) before the National Assembly within three months of the day the Assembly next sits after the report is submitted to him.

Dated the 15th March, 2008.

MWAI KIBAKI,
President.