LEGAL NOTICE NO. 252

THE STATE CORPORATIONS ACT
(Cap. 446)

IN EXERCISE of the powers conferred by section 3(1) of the State Corporations Act, I, Uhuru Kenyatta, President and Commander in Chief of the Defence Forces makes the following order—

THE REGIONAL CENTRE ON GROUNDWATER RESOURCES EDUCATION, TRAINING AND RESEARCH IN EASTERN AFRICA ORDER, 2015

PART I—PRELIMINARY

1. This Order may be cited as the Regional Centre on Groundwater Resources Education, Training and Research in Eastern Africa Order, 2015.

2. In this Order, except where the context otherwise requires—

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to Water;

"Board" means the managing Board of the Centre constituted under paragraph 5;

"Centre" means the Regional Centre on Groundwater Resources Education, Training and Research in Eastern Africa established under paragraph 3;

"Director" means the Director of the Centre appointed under paragraph 9.

PART II—ESTABLISHMENT AND FUNCTIONS OF THE CENTRE

3. (1) There is hereby established a Centre to be known as the Regional Centre on Groundwater Resources Education, Training and Research in Eastern Africa.

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

(a) suing and being sued;

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

(c) doing or performing such other things or acts necessary for the proper performance of its functions which may lawfully be done by a body corporate.
4. (1) The functions of the Centre shall be to—

(a) initiate and conduct research in mapping and assessment of aquifer systems;
(b) management, conservation, protection and governance of groundwater resources;
(c) offer training programmes, workshops, seminars in groundwater resource management and development;
(d) provide a forum for effective collaboration with the public, private sectors and all other persons, whether local or foreign for the development of groundwater resources;
(e) promote civic education through public awareness programme in relation to groundwater management;
(f) prepare, disseminate and transmit scientific and technical information through the mass media, e-learning, distance learning and any other mode especially with regard to local and regional scientific, technical and management knowledge in the various domains of groundwater management and development;
(g) initiate and propose policy review on groundwater conservation;
(h) offer consultancy services in groundwater management; and
(i) undertake any functions, as may be directed by the Cabinet Secretary.

5. (1) The Centre shall be managed by a Board, which shall consist of—

(a) a chairperson, appointed by the President;
(b) the Principal Secretary in the Ministry responsible for education;
(c) the Principal Secretary in the Ministry responsible for water;
(d) the Principal Secretary in the National Treasury;
(e) the Director of the Kenya Water Institute;
(f) not more than three other members, not being employees of the Centre and of whom not more than two shall be public officers, appointed by the Cabinet Secretary; an
(g) the Director of the Centre, who shall be the Secretary.

(2) Despite the provisions of subsection (1), the Cabinet Secretary may appoint a representative of a partner supporting any programme at a meeting of the Board specifically for matters relating to the programme supported by the partner.

(3) The persons appointed under paragraphs (1)(f) and (2) shall be appointed by the Cabinet Secretary and the Cabinet Secretary shall,
in appointing such members have regard to the principle of gender equity.

(4) The members of the Board appointed under paragraphs (1)(b), (c) and (d) may designate a person to attend and participate in a meeting of the Board.

6. (1) The Board shall have all the powers necessary for the proper performance of its function under this Order, and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—

(a) manage, supervise and administer the assets of the Centre in such a manner as best promotes the purpose for which the Centre is established;
(b) determine the provisions to be made for capital, recurrent expenditure and for reserves of the Centre;
(c) receive any grants, gifts, donations or endowments on behalf of the Centre and make legitimate disbursements therefrom;
(d) enter into association with such other bodies or organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purpose for which the Centre is established;
(e) open a bank account or bank accounts for the Funds of the Centre;
(f) approve the annual workplan including the short and long term programs of the Centre; and
(g) perform any other function that enhances or adds value to the proper performance of the Centre.

(2) In the performance of its functions under paragraph 4, the Centre may—

(a) create, develop, apply for and hold intellectual property rights and enter into agreements or arrangements for their commercial exploitation or otherwise as the Board may consider appropriate;
(b) enter into partnerships with other similar institutions or professional organizations, whether within or outside Kenya; and
(c) do any other thing which is necessary or convenient to be done in connection with or the incidental to its functions.

PART III—THE BOARD OF THE CENTRE

7. A person shall be eligible for appointment as the chairperson or member of the Board, if such person—

(a) in the case of the chairperson, holds a post graduate degree in Water related field from a university recognized and has at least five years experience in the matters related to water science; and
(b) in the case of a member, holds a degree from a recognized university in his area of specialization.

8. Subject to the provisions of this Order, the chairperson and members of the Board shall hold office for a term of three years and shall be eligible for re-appointment for one further term.

9. (1) There shall be a Director of the Centre who shall be appointed by the Cabinet Secretary on the recommendation by the Board and on such terms and conditions as may be specified in the instrument of appointment.

(2) The Director shall be the chief executive officer of the Centre and shall be responsible to the Board for the day-to-day management of the affairs of the Centre.

(3) A person shall be qualified to be appointed as a Director, if that person—

(a) has at least a masters degree in water science, preferably hydrology, water engineering and hydrogeology; and
(b) has at least five years experience in management.

10. (1) The Board may establish such committees as it may consider appropriate.

(2) Without prejudice to paragraph (1), the Board shall constitute a—

(a) research committee; and
(b) training committee.

(3) The Board may from time to time co-opt into its membership one or more persons to assist it in any particular matter for the time being before the Board.

11. The Board may, by resolution either generally or in any particular case delegate to any committee of the Board or to any member, officer, employee or agent of the Centre, the exercise of any of the powers or the performance of any of its functions or duties.

12. (1) The office of a member of the Board, other than an ex-officio member shall become vacant, if—

(a) a member resigns by giving notice in writing to the chairman, to the President, and in the case of any other member to the Cabinet Secretary, which notice shall take effect on the date specified therein, and, where no date is specified, on the date of receipt of the notice by the President of the Cabinet Secretary, as the case may be;

(b) when the appointment is revoked by the Cabinet Secretary; where the member—

(i) becomes insolvent or enters into a composition or scheme of arrangement for the benefit of his creditors;

(ii) is convicted of any offence by a court of competent jurisdiction;
(iii) is incapacitated by reason of infirmity of body or mind;
(iv) is absent from three consecutive meetings of the Board without the leave of the Chairperson; or
(v) is otherwise unable or unfit to discharge the functions of the Board.

(2) Where the office of the chairman or a member of the Board becomes vacant under this paragraph, the President or the Cabinet Secretary as the case may be, may appoint another person as a replacement of the person vacating office.

13. The Board shall not meet less than four times in every financial year and not more than four months shall lapse between the date of one meeting and the date of the next meeting.

14. The members of the Board shall be paid such remuneration or allowances as the Board may, with the approval of the Cabinet Secretary determine.

15. The Board may employ such staff or engage such consultants or experts or approve such secondment as may be necessary for the proper performance of its functions, on such terms and conditions as may be approved by the Cabinet Secretary.

16. Nothing done by a member of the Board or any officer, employee or agent of the Board shall if it is done *bona fide* for executing the functions, powers or duties of the Board, render the member, officer, employee or agent or any person acting on the directions of the Board personally liable to any action, claim or demand whatsoever.

**PART IV—FINANCIAL PROVISIONS**

17. The funds of the Centre shall comprise of—

(a) such sums as may be appropriated by Parliament for the purposes of the Centre;

(b) such monies as may accrue to or vest in the Centre in the course of the exercise of its powers or the performance of its functions under this Order or under any other written law; and

(c) all monies from any other sources provided for or donated or lent to the Centre.

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

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

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

(a) the payment of the salaries, allowances and other charges in respect of the Board and staff of the Centre;
(b) provision of funds for the functions of the Centre;

(c) the payment of pensions, gratuities and other charges in respect of the staff of the Centre; and

(d) the proper maintenance of the buildings and ground of the Centre;

(3) The annual estimates shall be approved by the Board at least two months before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval.

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

21. (1) The Board shall ensure that all money received is properly brought to account, all payments out of its funds are correctly made and properly authorized and that adequate control is maintained over its assets and liabilities.

(2) The accounts of the Centre shall be audited in accordance with the Public Audit Act, 2003.

22. (1) The Board may from time to time invest any of the funds of the Centre in any securities in which trust funds are authorized by law subject to approval by the Cabinet Secretary of National Treasury.

(2) The Board may, subject to the approval of, the National Treasury, place on deposit with such bank or banks as the Board may determine, any monies not immediately required for the purposes of the Centre.

UHURU KENYATTA,
President.