LEGAL NOTICE NO. 36

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 Kenya Defence Forces, make the following Order—

THE NATIONAL AIDS CONTROL COUNCIL (AMENDMENT) ORDER, 2021

1. This Order may be cited as the National AIDS Control Council (Amendment) Order, 2021.

2. The National AIDS Control Council Order, 1999, hereafter referred to as the “principal Order”, is amended by deleting paragraph 3 and substituting therefor the following new paragraph—

3. (1) The Council shall consist of—

(a) a non-executive chairperson appointed by the President;

(b) the Principal Secretary in the Ministry for the time being responsible for health, or his or her representative, appointed in writing;

(c) the Principal Secretary in the Ministry for the time being responsible for finance, or his or her representative, appointed in writing;

(d) the Attorney-General or his representative designated, in writing;

(e) four other persons, not being public officers, of whom one must be a person representing persons living with human immunodeficiency virus, appointed by the Cabinet Secretary by virtue of gender, disability, skills mix, regional balance and their knowledge and experience in matters relating to finance, law, business management, medicine, economics or any other relevant field; and

(f) the Chief Executive Officer.
(2) The persons to be appointed under subsection (1)(a) and (e) shall be selected through conventional board resourcing procedures including through applications, referrals and knowledge of the market and industry actors.

(3) A person appointed as a member of the Board under subsection (1)(a) and (e), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Council if—

(a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;

(b) has been absent from three consecutive meetings of the Council without permission of the chairperson;

(c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding twenty thousand shillings; or

(d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Council.

4. The principal Order is amended by deleting paragraph 4 and substituting therefor with the following new paragraph—

Chief Executive Officer.

4(1) There shall be a Chief Executive Officer of the Council who shall be appointed by the Council with the approval of the Cabinet Secretary.

(2) The Chief Executive Officer shall be appointed on such terms and conditions of service as the Cabinet Secretary may, in consultation with the Committee, approve.

(3) The Chief Executive Officer shall subject to the direction of the Council, be responsible for the day to day management of the affairs and staff of the Council.

5. The principal Order is amended by inserting the following new paragraph immediately after paragraph 4—

Corporation Secretary.

4A. (1) The Board shall competitively recruit a person qualified in terms of the law governing the
practice of public secretaries in Kenya, to serve as the Corporation Secretary of the Council.

(2) The Corporation Secretary shall be the Secretary to the Council and shall be responsible for arranging the business and meetings of the Council, the keeping of records of the Council's meetings, the keeping of the records of the proceedings of the Council and perform such other duties as the Council may direct.

6. The principal Order is amended by deleting paragraph 5.

7. The principal Order is amended by inserting the following new paragraph immediately after paragraph 7—

7A. (1) There shall be a common seal of the Council which shall be kept in the custody of the Corporation Secretary and shall not be used except on the direction of the Council.

(2) The affixing of the common seal shall be authenticated by the signature of the chairperson or the Chief Executive Officer or any other person authorized in that behalf by a resolution of the Council.

(3) The common seal shall, when affixed to any document and duly authenticated, be judicially noticed and unless the contrary is proven, any necessary order or authorisation by the Council under this paragraph shall be presumed to have been duly given.

Made on the 1st March, 2021.

UHURU KENYATTA,
President.