



## LAWS OF KENYA

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# THE TEACHERS SERVICE COMMISSION ACT

## CHAPTER 212

Revised Edition 2009 (1968)  
Published by the National Council for Law Reporting  
with the Authority of the Attorney General

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## CHAPTER 212

### THE TEACHERS SERVICE COMMISSION ACT

2 of 1967,  
L.N. 95/1971,  
12 of 1984,  
2 of 2002.

*Commencement:* \*

**An Act of Parliament to provide for the establishment of a Teachers Service Commission; to provide for the registration of teachers, for regulating the teaching profession and for cancelling registration in cases of misconduct; to provide for the determination of remuneration of teachers; and for purposes connected therewith**

Short title.

**1.** This Act may be cited as the Teachers Service Commission Act.

Interpretation.

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

“Appeals Tribunal” means the Teachers Service Appeals Tribunal established under section 11 of this Act;

“Commission” means the Teachers Service Commission established under section 3 of this Act;

“Committee” means the Teachers Service Remuneration Committee established under section 13 of this Act;

“financial year” means a period of twelve months ending on the 31st December in any year, so however that the first financial year of the Commission shall be the period commencing with the appointed day for section 3 of this Act and ending with the second occurrence of the 31st day of December;

L.N. 256/1963.

“local authority” has the meaning assigned to it in the Local Government Regulations 1963;

“manager” means any person or body of persons responsible for the management of a school;

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

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“public school” has the meaning assigned to it in the Education Act;

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\* Sections 1 to 6, 7 (except subsection (5)), 8, 16, 18 and 22: 23.1.1967 (L.N. 21/1967). Sections 7 (5), 9 to 15, 17, 19, 20, 21 and 23: 1.7.1967 (L.N. 135/1967).

“the register” means the register established by the Commission under section 7 of this Act; and “registered” and “registration” shall be construed accordingly;

“remuneration” includes allowances and benefits (other than pension benefits);

“school” has the meaning assigned to it in the Education Act;

“teachers service” means the service referred to in section 4 of this Act;

“unaided school” has the meaning assigned to it in the Education Act.

ESTABLISHMENT OF TEACHERS SERVICE COMMISSION AND STRUCTURE,  
ETC., OF TEACHERS SERVICE

**3.** (1) There is hereby established a body corporate to be called the Teachers Service Commission which shall have the functions assigned to it by or under this Act.

Establishment of Teachers Service Commission. 12 of 1984, Sch., 2 of 2002, Sch.

(2) The Commission shall consist of a chairman and not less than two nor more than twenty-four other members, all of whom shall be appointed by the Minister.

(3) A person shall not be qualified to be appointed as a member of the Commission if he is employed as a teacher in, or as a manager of, any school.

(4) A member of the Commission shall not, within a period of three years commencing with the day on which he last held or acted in the office of a member of the Commission, be eligible for appointment as a teacher in, or as a manager of, any school.

(5) The First Schedule to this Act shall have effect with respect to the Commission.

**4.** (1) It shall be the duty of the Commission to establish and maintain a teachers service adequate to the needs of public schools in Kenya, and for that purpose the Commission shall have power—

Establishment of teachers service and general functions of Commission.

(a) to recruit and employ registered teachers, to assign teachers employed by the Commission for service in any public school, to promote or transfer any such teacher, to terminate the employment of any such teacher, and to exercise the powers conferred on the Commission by the code of

regulations published under section 6 of this Act;

(b) to delegate to any person or body, with the consent of the Minister and subject to such conditions as he may impose, any of its powers under paragraph (a) of this subsection;

(c) to do anything which in its opinion is incidental or conducive to the exercise of its powers under the foregoing paragraphs of this subsection.

(2) It shall also be the duty of the Commission to keep under review the standards of education, training and fitness to teach appropriate to persons entering the teachers service, and the supply of teachers, and to tender advice to the Minister from time to time on the aforesaid matters and on such other matters as may be referred to it by the Minister

(3) The Commission may, with the consent of the Minister and subject to such conditions as he may impose, assign any teacher employed by the Commission for service in an unaided school.

Powers of Minister.

**5.** (1) The Minister may, after consultation with the Commission, give to the Commission directions of a general character as to the exercise and performance by the Commission of its functions under this Act in relation to matters which appear to him to affect the public interest, and the Commission shall give effect to any such directions.

(2) The Minister may make regulations prescribing the grades into which the teachers service shall be divided, and the qualifications for appointment in any such grade.

Code of regulations.

**6.** (1) The Commission shall, with the approval of the Minister, compile and publish a code of regulations which shall apply to all teachers employed by the Commission.

(2) The Commission may, with the approval of the Minister, from time to time modify or amend the code of regulations in such manner as it thinks fit.

#### REGISTER OF TEACHERS AND DISCIPLINARY PROVISIONS

Establishment of register, power of Commission to refuse registration and appeals in respect of such refusal.

**7.** (1) It shall be the duty of the Commission to establish and keep a register of teachers, and to comply with any regulations made by the Minister under section 8 of this Act with respect to that register.

(2) Subject to subsection (3) of this section, a person shall be entitled to be registered as a teacher if—

(a) he is the holder of any certificate, licence or authority to teach issued to him under the Education Act as in force immediately before the commencement of this Act; or

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(b) he has fulfilled the requirements as to qualifications prescribed by regulations made under section 8 of this Act; or

(c) in the case of a person whom the Commission wishes to employ, but who is not entitled to be registered under either of the two foregoing paragraphs, his education, fitness to teach and experience are such as, in the opinion of the Commission, to warrant his registration; or

(d) the Minister certifies in writing that he is, in the opinion of the Minister, a fit person to teach in an unaided school.

(3) The Commission shall refuse to register a person as a teacher if—

(a) it is not satisfied that he is entitled to be registered under subsection (2) of this section; or

(b) it is satisfied that he is an unsuitable person to be a teacher on the grounds that he is not of good moral character, or has been convicted of a criminal offence which, in the opinion of the Commission, renders him unfit to be a teacher, or is guilty of infamous conduct in any professional respect, or has been engaged in any activities which, in the opinion of the Commission, are prejudicial to peace, good order or good government in Kenya; or

(c) it is satisfied that he suffers from some physical or mental defect or disease rendering him, in the opinion of the Commission, unsuitable to be a teacher.

(4) Where the Commission refuses to register a person under this section, the Commission shall cause a notice to be served on that person informing him of the refusal and stating the grounds thereof.

(5) Any person aggrieved by the refusal of the Commission to register him under this section may, within twenty-eight days of the service on him of the notice, appeal to the Appeals Tribunal.

**8.** (1) The Minister shall make regulation with respect to the register and the registration of teachers therein, and such regulations shall—

Regulations regarding registration.

- (a) prescribe the requirements as to qualifications for registration;
- (b) prescribe the particulars, information, proof or evidence as to any matter to be furnished upon application for registration;
- (c) provide for the issue, variation and revocation of certificates of registration.

(2) Regulations made under this section may—

- (a) prescribe the particulars and information to be included in the register;
- (b) require attendance for interview by the Commission, or attendance for and submission to such medical examination as may prescribed, by any applicant for registration;
- (c) provide for the provisional registration of persons, subject to such conditions as may be prescribed;
- (d) provide for application for registration by, and registration of, persons whose names have been removed from the register or whose applications for registration have been refused;
- (e) prescribe in respect of any action required or permitted by this Act or by regulations under this section to be taken in respect of registration, the time and manner of taking that action, the procedure to be followed, the fees to be paid, and the forms to be used;
- (f) make different provisions with respect to different cases or classes of case, impose conditions and make exceptions;
- (g) contain such incidental or supplementary provisions as appear to the Minister to be expedient for the purposes of the regulations.

Disciplinary proceedings against registered teachers.

**9.** (1) The Commission shall investigate, consider and determine any case where it is alleged that a registered teacher should have his name removed from the register on the ground that, if he were not registered, the Commission would refuse to register him.

(2) In any proceedings under this section the Commission—



- (a) shall inform the person concerned of the nature of the allegations made against him, shall afford that person adequate time for the preparation and presentation of his defence, and shall afford him the opportunity of being heard in person;
- (b) may act on general evidence or statements relating to the character or conduct of the person concerned, and shall not be bound to receive and consider only evidence admissible in a court of law;
- (c) may administer oaths and may, for the purpose of dealing with any matter before it, summon any person to attend and give evidence and to produce any relevant documents.

(3) Subject to subsection (2) of this section, the Minister may make rules for regulating the practice and procedure of the Commission in proceedings under this section, and, subject as aforesaid, the Commission may regulate its own practice and procedure.

**10.** (1) Where the Commission determines in any case under section 9 of this Act that the name of a registered teacher be removed from the register, the Commission shall cause notice of such determination to be served on that person, and shall, subject to subsection (2) of this section, remove the name of that teacher from the register.

Determinations of Commission in disciplinary proceedings and appeals therefrom.

(2) No determination under subsection (1) of this section shall take effect until the expiration of the period limited by subsection (4) of this section for the exercise of the right of appeal to the Appeals Tribunal, or, where that right has been exercised, until the appeal has been withdrawn or dismissed.

(3) Any notice served under this section shall include a statement of the facts found to have been proved in the proceedings before the Commission and the reasons for the determination.

(4) Any person in respect of whom a determination has been made by the Commission under this section may, within twenty-eight days of the service on him of the notice, appeal to the Appeals Tribunal.

#### TEACHERS SERVICE APPEALS TRIBUNAL

**11.** (1) There is hereby established a tribunal, to be called the Teachers Service Appeals Tribunal, which shall consider and determine appeals to it under sections 7 (5) and 10 (4) of this Act, and whose decision in any such appeal shall be final.

Establishment of Appeals Tribunal.

(2) The Appeals Tribunal shall consist of—

- (a) a chairman, who shall be appointed by the Minister;
- (b) not less than two nor more than four other members who shall be appointed by the Minister, and of whom at least one shall be a registered teacher who shall be appointed after consultation with the organization appearing to the Minister to represent teachers.

(3) A person shall not be qualified to be appointed as a member of the Appeals Tribunal if he is a member of the Commission.

(4) There shall be an assessor to the Appeals Tribunal, who shall be an advocate of not less than five years standing appointed by the Tribunal with the approval of the Minister, and who shall, when the Tribunal may so require, attend the proceedings of the Tribunal and advise it on questions of law.

(5) The Second Schedule to this Act shall have effect with respect to the Appeals Tribunal.

Procedure of  
Tribunal.

**12.** (1) Subject to subsection (2) of this section, the Minister may make rules for regulating the practice and procedure of the Appeals Tribunal, and such rules may—

- (a) prescribe who, in addition to the appellant, shall be a party to any proceedings;
- (b) provide that any party to proceedings shall, if he so requires, be entitled to be heard by the Tribunal;
- (c) empower the Tribunal to determine whether any party to proceedings shall be permitted to be represented by an advocate or by some other person;
- (d) prescribe the manner in which decisions of the Tribunal shall be recorded and, in cases where it is alleged that a person is guilty of infamous conduct in any professional respect, that where the Tribunal determines that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
- (e) empower the Tribunal to impose fees and award costs.

(2) The Appeals Tribunal may administer oaths and may, for the purpose of dealing with any matter before it, summon any person to attend and give evidence and to produce any relevant documents.

(3) Subject to subsections (1) and (2) of this section, the Appeals Tribunal may regulate its own practice and procedure.

#### TEACHERS SERVICE REMUNERATION COMMITTEE

**13.** (1) The Minister shall establish, for the purpose of considering the remuneration payable to teachers in the teachers service, a committee to be known as the Teachers Service Remuneration Committee.

Establishment of Teachers Service Remuneration Committee.

(2) The Committee shall consist of—

- (a) a chairman, appointed by the Minister as being an independent person having experience in matters of education in Kenya;
- (b) five persons of whom three shall be nominated from time to time by the Minister and two shall be nominated from time to time by the Commission;
- (c) five persons nominated from time to time by the organization appearing to the Minister to represent teachers in the teachers service.

(3) The Third Schedule to this Act shall have effect with respect to the Committee.

**14.** (1) The Committee shall, whenever they think fit or are required by the Minister to do so, review the remuneration of teachers in the teachers service as that remuneration exists (whether in pursuance of this Act or of any previous enactment or otherwise) at the time of the review.

Review of remuneration of teachers service.

(2) Where, in consequence of such a review, the Committee agree on any recommendations with respect to the remuneration of teachers in the teachers service, they shall transmit those recommendations to the Minister.

(3) Upon the receipt of any recommendations agreed by the Committee the Minister shall, after preparing a draft order to give effect to those recommendations, and after consulting the Committee with respect to that draft and considering any representations made by the Committee with respect thereto, make and publish in the Gazette an order directing that the remuneration of teachers in the teachers service

shall be determined in accordance with the provisions thereof.

(4) Any order made under this section shall take effect on the date specified in the order, may be made to have retrospective effect, and may revoke or amend any previous order.

(5) The remuneration due and payable by the Commission to teachers employed by the Commission shall be in accordance with any order having effect under this section.

Provision for  
reference.

**15.** (1) The Minister may make arrangements whereby, in such circumstances and subject to such exceptions as may be provided in the arrangements, matters in respect of which agreement has not been reached in the Committee after they have been considered by the Committee in accordance with section 14 of this Act may be referred for further consideration and recommendations to such persons, and in such manner, as may be so provided.

(2) Before making any arrangements under subsection (1) of this section, the Minister shall consult the organization by whom persons are nominated to be members of the Committee.

(3) Any such arrangements may include provision—

(a) for the appointment by the Minister of any number of persons for the purpose of any reference under this section; and, where any persons are so appointed, the Minister may provide such facilities as may be required for the purposes of any such reference;

(b) for the appointment by the Minister for the time being responsible for labour of a Board of Inquiry under the Trade Disputes Act, and for that purpose the matters for the reference of which the arrangements are made shall be deemed to be matters which under the said Act the said Minister is empowered to refer to a Board of Inquiry.

Cap. 234.

(4) Any such arrangements shall be published in the Gazette, and may be varied from time to time, or revoked by notice in the Gazette.

Cap. 49.

(5) The Arbitration Act shall not apply to any reference under this section.

#### FINANCIAL PROVISIONS

Grants, etc., by  
Minister for purposes  
of Act.

**16.** (1) The Minister may, with the consent of the Treasury—

- (a) make to the Commission such grants as may be necessary to enable the Commission to pay the remuneration of teachers in the teachers service (other than teachers assigned by the Commission for service in any schools maintained or assisted by a local authority);
- (b) make to the Commission, the Appeals Tribunal and the Committee such grants as may be necessary to enable those bodies to discharge their functions under this Act;
- (c) pay to the members of the Commission, the Appeals Tribunal and the Committee (other than a member who is a public officer in receipt of a salary) such remuneration and travelling and other allowances as he may with the consent of the Treasury determine;
- (d) pay to any persons appointed under arrangements made under section 15 of this Act such remuneration (whether by way of fees or otherwise) and such allowances as he may with the consent of the Treasury determine;
- (e) make such other payments as may be necessary to give effect to the provisions of this Act.

(2) Any sum applied by the Commission for the payment of the remuneration of any teacher assigned by the Commission for service in a school assisted by the Ministry for the time being responsible for education or in an unaided school, shall be repaid to the Commission by the manager of that school, in whole or in part, and at such times and in such manner as the Minister may, with the approval of the Treasury, direct.

(3) Any sum directed by the Minister, under sub-section (2) of this section, to be repaid to the Commission shall be a debt due from and payable by the manager concerned to the Commission and, without prejudice to any other mode of recovery, shall be a civil debt recoverable summarily.

(4) Any expenses incurred by the Minister under this Act shall be defrayed out of moneys provided by Parliament.

(5) Any sums received by the Minister under this Act shall be paid into the consolidated fund.

**17.** (1) Where any teacher is assigned by the Commission for service in a school maintained or assisted by a local authority, it shall be the duty of that local authority to make on behalf of the Commission

Remuneration of teachers assigned to local authorities.

prompt payment to that teacher of the remuneration due and payable to him by the Commission as his employer.

(2) Where, in consequence of the failure of any local authority to discharge its duty under subsection (1) of this section, the Commission makes any payment of remuneration to a teacher, that payment shall, with interest thereon calculated from the date of such payment at such rate as the Treasury may from time to time by notice in the Gazette determine for the purposes of this section, be due from and payable by that local authority, and shall be recoverable by the Commission, as a debt, and, without prejudice to any other mode of recovery, it shall be the duty of the Minister for the time being responsible for local government to recover that debt on behalf of the Commission, and for that purpose the Minister shall exercise such of the powers conferred upon him by any written law relating to local government or by any other written law, as he may consider appropriate.

(3) For the purpose of ensuring that the Commission is at all times able to discharge its responsibilities as the employer of teachers assigned by the Commission for service in schools maintained or assisted by local authorities, the Minister for the time being responsible for local government may, with the consent of the Treasury, from time to time make advances to the Commission, and any moneys so advanced shall be repayable according to the terms of the advance.

Accounts and audit.

**18.** (1) The Commission shall keep proper accounts and other records in relation to the business of the Commission and shall prepare in respect of each financial year a statement of accounts in such form as the Minister may, with the approval of the Treasury, direct.

Cap. 412.

(2) The accounts of the Commission shall be deemed to be a fund established under section 28 of the Exchequer and Audit Act, and as such a fund shall be subject to the provisions of Part VI of that Act.

#### MISCELLANEOUS

Annual report of  
Commission.

**19.** (1) The Commission shall, as soon as possible after the end of each financial year, make to the Minister a report on the exercise and performance by the Commission of its functions during that year.

(2) The report of the Commission for any year shall set out any direction given by the Minister to the Commission during that year, unless the Minister has notified the Commission his opinion that it is against the public interest to do so.

(3) The Minister may give directions as to the form of the reports to be made under this section and the Commission shall comply with

any such directions.

(4) The Minister shall lay before the National Assembly a copy of the report made for each financial year by the Commission and the Commission shall, if the Minister so requires, publish such report in such manner as the Minister may specify.

**20.** Any notice or other document authorized or required to be served under this Act may, without prejudice to any other method of service, be served by registered or recorded delivery post, and may, in relation to a registered teacher, be addressed to the address shown on the register. Service of notices.

**21.** (1) Any person who— Offences.

- (a) procures or attempts to procure the entry of any name on the register by wilfully making or producing or causing to be made or produced, either orally or in writing, any declaration, certificate or representation which he knows to be false or fraudulent;
- (b) falsely or fraudulently holds himself out to be a registered teacher;
- (c) not being a registered teacher, or a person exempted under section 22 of this Act, teaches or assists in teaching in any school;
- (d) suffers or permits or employs to teach in any school a person not being a registered teacher or a person exempted under section 22 of this Act,

shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

(2) Any person who without reasonable cause fails, when summoned by the Commission or by the Appeals Tribunal, to attend as a witness or to produce any document which he is required to produce under this Act shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding one month, or to both such fine and such imprisonment.

**22.** The Minister may by notice in the Gazette exempt any class of persons from all or any of the provisions of this Act. Power of Minister to exempt.

Former regulations to continue in force. Cap. 212 (1962) (Sub. Leg.), L.N. 428/1962, L.N. 330/1963, L.N. 448/1963, L.N. 365/1964, L.N. 129/1965.

**23.** (1) The Teachers Service (Employment) Regulations shall, to the extent that they are not inconsistent with the provisions of this Act, and until the date of publication of the code of regulations referred to in section 6 of this Act, apply to all teachers employed by the Commission, as if a power to make those Regulations, and to make them so apply, were conferred upon the Minister by this Act, and as if the Minister had made those Regulations, and had made them to so apply, in pursuance of that power.

(2) The Minister may at any time by regulations made under this Act amend or revoke the Teachers Service (Employment) Regulations as in force pursuant to subsection (1) of this section.

## FIRST SCHEDULE

(s. 3)

### PROVISIONS AS TO THE TEACHERS SERVICE COMMISSION

#### *Corporate Capacity*

1. The Commission shall be a body corporate with perpetual succession and a common seal and with the capacity to sue and be sued.

#### *Tenure and Vacation of Office*

2. The members of the Commission shall hold office for such period not exceeding three years as may be determined by the Minister and shall be eligible for reappointment.

3. A member of the Commission may at any time by notice in writing addressed to the Minister resign his office, and if a member absents himself from three consecutive meetings of the Commission without the permission of the Commission, or becomes, in the opinion of the Minister, unfit or unqualified to continue in office or incapable of performing his duties, the Minister may, in such manner as he thinks fit, declare the office of the member to be vacant.

#### *Meetings and Proceedings*

4. Subject as hereinafter provided, the Commission shall have power to regulate its own procedure.

5. The Commission shall meet not less than six times every year.



6. The chairman may at any time convene a special meeting of the Commission, and shall do so within one month of the receipt by him of a written request signed by at least two other members.

7. In the absence of the chairman from any meeting the members present shall elect one of their number to preside at such meeting.

8. At every meeting of the Commission the chairman or other member presiding shall have a casting as well as a deliberative vote.

9. The validity of any proceedings of the Commission shall not be affected by any vacancy amongst the membership thereof, or by any defect in the appointment of a member thereof.

10. The quorum for any meeting of the Commission shall be three.

#### *Authentication and Proof of Documents*

11. The fixing of the common seal of the Commission shall be authenticated by the signatures of—

- (a) the chairman of the Commission, or some other member thereof authorised either generally or specially by the Commission to act in his stead for that purpose; and
- (b) some other person authorised by the Commission, either generally or specially, to act for the purpose.

12. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the Commission by any person generally or specially authorised by the Commission for that purpose.

13. Any document purporting to be a document duly executed under the seal of the Commission or under the seal of an attorney of the Commission shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

#### *Staff*

14. The Commission may, with the consent of the Minister, employ such officers, servants or agents as may appear to it to be necessary for the efficient discharge of its functions.

*Exemption from Stamp Duty*

Cap. 480.

15. No duty shall be chargeable under the Stamp Duty Act in respect of any instrument executed by or on behalf of or in favour of the Commission in any case where, but for this exemption, the Commission would be liable to pay such duty.

**SECOND SCHEDULE**

(s. 11)

## PROVISIONS AS TO THE TEACHERS SERVICE APPEALS TRIBUNAL

1. The members of the Tribunal shall hold office for such period not exceeding three years as may be determined by the Minister and shall be eligible for re-appointment.

2. A member of the Tribunal may at any time by notice in writing addressed to the Minister resign his office, and if a member absents himself from three consecutive meetings of the Tribunal without the permission of the Tribunal, or becomes, in the opinion of the Minister, unfit or unqualified to continue in office or incapable of performing his duties, the Minister may, in such manner as he thinks fit, declare the office of the member to be vacant.

3. In the absence of the chairman from any meeting the members present shall elect one of their number to preside at such meeting.

4. At every meeting of the Tribunal the chairman or other member presiding shall have a casting as well as a deliberative vote.

5. The quorum for any meeting of the Tribunal shall be three:

Provided that there shall be no quorum unless there is present at the meeting a member who is a registered teacher.

6. The validity of any proceedings of the Tribunal shall not be affected by any vacancy amongst the membership thereof, or by any defect in the appointment of a member thereof.

7. The Minister shall appoint a public officer to act as secretary to the Tribunal, and may appoint such other public officers to act as staff of the Tribunal as he may consider necessary.

**THIRD SCHEDULE**

(s. 13)

PROVISIONS AS TO THE TEACHERS SERVICE REMUNERATION  
COMMITTEE

1. The chairman of the Committee shall hold office in accordance with the instrument appointing him and shall be eligible for re-appointment.

2. The chairman may at any time convene a special meeting of the Committee, and shall do so within one month of the receipt by him of a written request signed by at least two other members.

3. In the absence of the chairman from any meeting the members present shall elect one of their number to preside at such meeting.

4. The quorum for any meeting of the Committee shall be six:

Provided that there shall be no quorum unless there are present at the meeting at least two members representing the Minister, at least one member representing the Commission and at least two members representing the organisation representing teachers.

5. The validity of any proceedings of the committee shall not be affected by any defect in the appointment of a member thereof, or by any vacancy amongst the membership thereof.

6. The Minister shall appoint a public officer to act as secretary to the Committee, and may appoint such other public officers to act as staff of the Committee as he may consider necessary.

7. The secretary of the Committee shall keep a record of all meetings of the Committee and a copy of every such record shall be furnished to the Minister.

8. Subject to the foregoing provisions, the Committee may, with the approval of the Minister, make rules for regulating the procedure at its meetings.

[Subsidiary]

**SUBSIDIARY LEGISLATION****Regulations under section 8**

L.N. 85/1967.

**THE TEACHERS SERVICE COMMISSION (REGISTRATION)  
REGULATIONS****PART I—PRELIMINARY**

1. These Regulations may be cited as the Teachers Service Commission (Registration) Regulations.

2. In these Regulations, except where the context otherwise requires—

“proof” means proof for the purpose of regulation 4 of these Regulations; and

“registration” means entry in the register, and “to register” and “to be registered” shall be construed accordingly.

**PART II—PARTICULARS ON APPLICATION FOR REGISTRATION**

3. The following particulars shall be supplied to the Commission in writing, in such form as the Commission may from time to time prescribe, by any person making application to be registered—

(a) full name;

(b) sex;

(c) date of birth;

(d) address;

(e) nationality;

(f) educational qualifications;

(g) professional qualifications;

(h) reference number of any certificate, licence or authority to teach that may have been issued to him under Part XI of the Education Act or under this Act and that has not lapsed or been cancelled;

Cap. 211.

(i) record of service, giving names of schools in which service was given and dates of such service; and

Cap. 189.

(j) any other particulars or information that the Commission may require for the purpose of this Act or of the Pensions Act.

4. The Commission may at any time require a person who has been

[Subsidiary]

registered, or is applying to be registered, to furnish the Commission with proof as to the correctness of the following particulars—

- (a) date of birth, or presumed date of birth;
- (b) nationality;
- (c) educational qualifications; and
- (d) professional qualifications.

5. (1) Except as provided in regulation 8 of these Regulations, the Commission shall require proof of the date of birth.

(2) A certified copy of an entry in a register of births issued under section 26 (2) of the Births and Deaths Registration Act shall be accepted by the Commission as proof. Cap. 149.

6. The Commission may in its discretion require proof of citizenship, and such proof shall be a certificate of registration or a certificate of naturalization issued under the Kenya Citizenship Act. Cap. 170.

7. Original certificates of educational and professional qualifications shall be submitted to the Commission as proof:

Provided that the Commission may in its discretion accept a photographic, or legally attested, copy of a certificate as proof.

8. Where the Commission is satisfied that proof cannot be submitted as prescribed in these Regulations, it may in its discretion accept other forms of evidence as proof.

#### PART III—MEDICAL EXAMINATION

9. The Commission may in its discretion require any person applying to be registered as a teacher, or any registered teacher, to submit to such medical examination by such medical practitioner as the Commission may prescribe and may as a result of such examination refuse registration on medical grounds under section 7 (3) (c) of the Act, or cancel such registration, and the cost of any such medical examination shall be defrayed by the Commission.

#### PART IV—CERTIFICATE OF REGISTRATION

10. A certificate of registration shall be issued to each teacher upon registration in the form prescribed in the First Schedule to these Regulations.

11. (1) Where the Commission has removed the name of a registered teacher from the register in accordance with section 10 (1) of the Act, the Commission shall require the teacher to surrender his certificate of registration to the Commission for cancellation, or to make a declaration in the form in the Second Schedule to these Regulations that his certificate of registration has been lost and is presumed to have been cancelled.

[Subsidiary]

(2) The Commission shall notify in the Gazette the name of any person whose application for registration has been refused in accordance with section 7 (3) of the Act and who has not exercised the right of appeal against such refusal to the Appeals Tribunal or whose appeal has been withdrawn or dismissed, and of any teacher whose name has been removed from the register in accordance with section 10 (1) of the Act, and, in the case of any such person or teacher who is subsequently registered by the Commission, the cancellation of such notification.

12. (1) Where there is any change in any of the particulars to be entered in a certificate of registration, such certificate shall be cancelled by the Commission and a new certificate issued in its place.

(2) Any person—

- (a) who defaces, amends or erases any entry in a certificate of registration;
- (b) whose name has been removed from the register in accordance with section 10 (1) of the Act and has not subsequently been entered in the register and who is in possession of, or uses for any purpose, a certificate of registration; or
- (c) not being the person whose full name, address and registration number appears in a certificate of registration, uses such certificate for any purpose,

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

13. Where a certificate of registration has been lost or destroyed, a new certificate of registration may be obtained on submission to the Commission of a certificate in the form in the Third Schedule to these Regulations, executed before a Commissioner for Oaths and on payment of a fee of Sh. 10.

#### PART V—PARTICULARS FOR INCLUSION IN THE REGISTER

14. The following particulars of a registered teacher shall be included in the register—

- (a) full name;
- (b) address; and
- (c) registration number.

15. (1) Except as provided in paragraph (3) of this regulation, where the birth of a registered teacher has been registered under the Births and Deaths Registration Act, the full name of such teacher for the purpose of these

[Subsidiary]

Regulations shall be the names appearing in the register of births and where a name by which the birth was so registered has been altered and the alteration so registered, the full name of such teacher for the purpose of these Regulations shall be the names appearing in the register of births as so altered.

(2) Except as provided in paragraph (1) and paragraph (3) of this regulation, the full name of a registered teacher for the purpose of these Regulations shall be the names entered in the certificate of educational or professional qualifications of most recent date submitted as proof:

Provided that where no certificate of educational or professional qualifications is submitted as proof the name of a registered teacher for the purpose of these Regulations shall be at the discretion of the Commission.

(3) Where the name of a teacher is or has been changed as a result of marriage or legal declaration, the full name in which such teacher is registered shall be entered or changed accordingly.

(4) Before making or changing any entry in the register as a result of marriage in accordance with paragraph (3) of this regulation, the Commission may require the teacher to submit a certified copy of the entry in the marriage register book issued under the Marriage Act, a certified copy of the entry in the register of marriages issued under the Mohammedan Marriage and Divorce Registration Act, or a certificate of marriage issued under the Hindu Marriage and Divorce Act. Cap. 150.  
Cap. 155.  
Cap. 157.

(5) Any person who applies for employment as a teacher in any name other than the full name as entered in the register shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

#### PART VI—APPLICATION FOR ADMISSION OR RE-ADMISSION TO THE REGISTER

16. Where the Commission refuses to register a person as a teacher on any of the grounds specified in section 7 (3) (b) of the Act, or determines that the name of a registered teacher be removed from the register on such grounds, and any appeal to the Appeals Tribunal against such refusal or such determination is withdrawn or dismissed, such person, or such teacher, is precluded from applying for registration within a period of two years from the date of such refusal, such determination, such withdrawal, or such dismissal, whichever is the latest.

#### PART VII—FEES

17. A fee of five shillings shall be paid by each teacher on registration, which shall not be returnable on removal from the register.

[Subsidiary]

FIRST SCHEDULE

(r. 10)

TEACHERS SERVICE COMMISSION

CERTIFICATE OF REGISTRATION

It is hereby certified that (full name) ..... of (address) ..... has been registered as a teacher in the register established and kept by the Teachers Service Commission in accordance with section 7 (1) of the Teachers Service Commission Act (Cap. 212).

Registration No. ....

Date .....

Signed ..... for the Teachers Service Commission

NOTES

1. This Certificate is the property of the Commission and must be surrendered to the Commission on demand.

2. In all correspondence with the Commission, the full name and the registration number should be quoted.

3. It is an offence to deface, amend or erase this certificate in any way, or to apply for employment as a teacher in any name other than the full name as shown in this certificate of registration.

4. Where there is a change in the particulars to be entered in the register (for example, a change of address), this certificate should be returned to the Commission with an explanation of the changes proposed to be made in the register. Where the full name is changed on marriage, the Commission may require a marriage certificate to be submitted as proof.

5. Any teacher whose name has been removed from the register must return this certificate to the Commission immediately for cancellation. The possession or use for any purpose of this certificate by such a teacher is an offence.

SECOND SCHEDULE

(r. 11 (1))

TEACHERS SERVICE COMMISSION

DECLARATION OF LOSS OF REGISTRATION CERTIFICATE BY A TEACHER WHOSE NAME HAS BEEN REMOVED FROM THE REGISTER

I (full name of teacher)..... of (address)..... and Certificate of Registration No. .... have diligently searched for my certificate of registration but have been unable to find it. I hereby declare that my certificate of registration has been lost and is presumed cancelled.

Signed .....

Date .....



**THIRD SCHEDULE**

(r. 13)

**TEACHERS SERVICE COMMISSION**

APPLICATION FOR A DUPLICATE CERTIFICATE OF REGISTRATION

*(To be attested by a Commissioner for Oaths)*

I apply herewith for a duplicate certificate of registration. I declare that the certificate of registration issued in my name has been lost or destroyed and that, if at any time it is found, I will return it immediately to the Teachers Service Commission.

Full name .....

Address .....

Registration No. ....

*Signed* .....

*Witness* .....

*Commissioner for Oaths*

*Stamp of Commissioner for Oaths*

(A fee of Sh.10 must be submitted with this application.)

**THE TEACHERS SERVICE COMMISSION (QUALIFICATIONS FOR REGISTRATION) REGULATIONS**

L.N. 90/1967,  
L.N. 117/1967.

1. These Regulations may be cited as the Teachers Service Commission (Qualifications for Registration) Regulations.

2. In these Regulations, except where the context otherwise requires—

“approved” means approved by the Minister;

“qualified teacher” has the meaning assigned to it in regulation 3 (1) of these Regulations.

3. (1) A person shall be designated as a qualified teacher if the Minister is satisfied that he has successfully completed an approved course of training as a teacher.

(2) Only a qualified teacher shall be deemed to have fulfilled the requirements as to qualifications for the purpose of section 7 (2) (b) of the Act.

4. A person shall be deemed to be a qualified teacher if, in the opinion of the Minister—

[Subsidiary]

- Cap. 211.
- (a) he is in possession of a certificate issued under section 64 (1) of the Education Act; or
  - (b) he is in possession of a certificate issued under regulation 5 of these Regulations; or
  - (c) he is in possession of a postgraduate certificate in education awarded by the University of East Africa; or
  - (d) he has successfully completed a full-time or part-time course of study in education, or including education as a constituent subject, recognized by the Minister for the purpose of these Regulations, at a university or other institution of higher education.

5. (1) The Minister may issue a certificate to any person who has obtained the educational qualification, or reached the standard of education, specified in the Schedule to these Regulations and who, in the opinion of the Minister—

- (a) has successfully completed an approved course of full-time training as a teacher of a duration so specified; or
- (b) has successfully completed such part-time or short courses of training as a teacher as he may have been required by the Minister to undertake,

and the grade of any certificate so issued shall be as so specified.

(2) Where the Minister is satisfied that a teacher has obtained qualifications in addition to those of which account was taken for the purpose of the issue of a certificate, he may withdraw the teacher's certificate and issue to him a new certificate of a higher grade.

(3) Where a teacher has displayed exceptional ability as a teacher and has completed not less than ten years of recognized teaching service, the Minister may authorize the payment to him of a salary on a scale appropriate to the grade next above the grade of his certificate.

6. (1) Where the Minister certifies in writing for the purpose of section 7 (2) (d) of the Act that a person is, in the opinion of the Minister, a fit person to teach in an unaided school, he shall issue to such person a licence to teach, which may be subject to such qualifications or limitations as to subjects taught or standard as the Minister may determine.

(2) The Minister shall cancel a licence issued to a person under paragraph (1) of this regulation where—

- (a) he is satisfied that the name of the person has been removed from the register in accordance with section 10 of the Act; or
- (b) he has informed the Commission that any certificate given in accordance with paragraph (1) of this regulation has been revoked.

[Subsidiary]

SCHEDULE		(r. 5 (1))
<i>Educational Qualification or Standard of Education</i>	<i>Grade of Certificate</i>	<i>Duration of Full-time Course</i> (years)
Primary school education .. .. .	P4	2
Pass in Kenya Preliminary Examination .. .	P3	2
Pass in Kenya Junior Secondary Examination, or its equivalent .. .. .	P2	2
Pass in Cambridge Overseas School Certificate Examination, or its equivalent .. .. .	P1	2
Pass in Higher School Certificate Examination at an approved standard, or its equivalent .. .. .	S1	1
Pass in Cambridge Overseas School Certificate Examination at an approved standard, or its equivalent .. .. .	S1	3

**Rules under section 9 (3)****THE TEACHERS SERVICE COMMISSION (REMOVAL FROM THE REGISTER) RULES**

1. These Rules may be cited as the Teachers Service Commission L.N. 137/1967. (Removal from the Register) Rules.

2. All proceedings under section 9 of the Act shall be in private.

3. In any proceeding concerning matters to which paragraph (a) or paragraph (b) of section 7 (3) of the Act refers—

(a) the person concerned shall be informed in writing of the nature of the allegations against him in the form in the First Schedule to these Rules;

(b) no allegations shall be considered by the Commission other than those of which the person has been informed in accordance with this rule.

4. Where any person is summoned to attend any proceedings for the purpose of giving evidence, the Commission may, if it thinks fit, order the payment of the expenses of such person as follows—

(a) if a public officer, such reasonable out-of-pocket expenses as he may have incurred, other than those payable from a departmental vote in accordance with Government Regulations obtaining at the time;

[Subsidiary]

(b) if a person other than a public officer, his reasonable travelling and out-of-pocket expenses.

5. Where, as a result of proceedings concerning matters to which paragraph (a) or paragraph (b) of section 7 (3) of the Act refers, the Commission determines—

- (a) that the name of a teacher be removed from the register, the Commission shall cause notice of such determination to be served on the teacher in the form in the Second Schedule to these Rules;
- (b) that the name of the teacher, notwithstanding that he is guilty of the allegations made against him, be not removed from the register, the Commission shall cause notice of such determination to be served on the teacher in the form in the Third Schedule to these Rules.
- (c) that the teacher is not guilty of the allegations made against him, the Commission shall cause notice of such determination to be served on the teacher in the form in the Fourth Schedule to these Rules.

#### FIRST SCHEDULE

(r. 3 (a))

*Confidential*

I am directed by the Teachers Service Commission to say that it is alleged that you should have your name removed from the register of teachers on the ground that, if you were not registered, the Commission would refuse to register you.

The allegations made against you are as follows:—

*[Here insert brief statement of allegations, with relevant date or dates]*

Before the Commission proceeds to investigate, consider and determine your case, I am to invite you to make a statement to the Commission in writing, which should be received by the Commission within 21 days of the date of this letter. I am also to say that, before your case is determined, you will be given an opportunity of being heard by the Commission in person.

#### SECOND SCHEDULE

(r. 5 (a))

*Confidential*

I am directed by the Teachers Service Commission to say that, as a result of proceedings under section 9 (1) of the Teachers Service Commission Act (Cap. 212), the Commission has determined that your name be removed from the register of teachers.

You have a right of appeal against the decision of the Commission to the Appeals Tribunal, which must be exercised within 28 days of the date of this notice. Any appeal should be submitted in writing, stating the grounds of

## SECOND SCHEDULE—(Contd.)

appeal, to the Secretary, the Appeals Tribunal [*here insert the post office box number of the Tribunal*], Nairobi.

If, on the expiry of 28 days from the date of this notice, no appeal has been made to the Appeals Tribunal, or if an appeal to the Appeals Tribunal is withdrawn or dismissed, your name will forthwith be removed from the register of teachers.

I am to draw your attention to section 21 (1) of the Teachers Service Commission Act, which includes the following provision:—

“Any person who, not being a registered teacher, or a person exempted under section 22 of this Act, teaches or assists in teaching in any school shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.”

[*To be included only in cases in which the grounds of removal from the register are among those shown in section 7 (3) (b) of the Act, otherwise delete.*] Your attention is also drawn to the fact that, as laid down in regulation 16 of the Teachers Service Commission (Registration) Regulations, an application from you for registration cannot be entertained by the Commission until two years from the date of this notice have expired.

**THIRD SCHEDULE**

(r. 5 (b))

*Confidential*

I am directed by the Teachers Service Commission to say that the Commission has carefully considered your case and has determined that it will not on this occasion have your name removed from the register of teachers.

The Commission has directed me to warn you, however, that a very serious view will be taken of any further allegations that are made against you and proved.

\*Your interdiction is hereby revoked. The Commission has, however, decided to suspend you from service without pay for a period of \_\_\_\_\_ months from the date of this letter. You will be informed in due course of the name of the school to which you will be assigned after the end of your period of suspension.

\*Your interdiction is hereby revoked. Any salary which would otherwise have been payable during the period of your interdiction will be paid to you in full with your next monthly salary payment.

\*The Commission has ordered your transfer to another school and you will not resume service at [*here insert name of school*]. You will be informed within a few days of the name of the school to which you are to be assigned.

\*The Commission has decided that you are no longer acceptable for service in the post of headmaster (headmistress, principal) and you are hereby removed from such a position of responsibility.

\* Delete as required.

[Subsidiary]

**FOURTH SCHEDULE**

(r. 5 (c))

*Confidential*

I am directed by the Teachers Service Commission to say that the Commission has carefully considered your case and has determined that you are not guilty of the allegations made against you.

Your interdiction is hereby revoked. Any salary that would otherwise have been payable during the period of your interdiction will be paid to you in full with your next monthly salary.

**Rules under section 12 (1)**

L.N. 136/1967.

**THE TEACHERS SERVICE COMMISSION (APPEALS TRIBUNAL) (PRACTICE AND PROCEDURE) RULES**

1. These Rules may be cited as the Teachers Service Commission (Appeals Tribunal) (Practice and Procedure) Rules.

2. All proceedings of the Appeals Tribunal shall be in private.

3. In any proceedings of the Appeals Tribunal, the appellant may be accompanied by an advocate or other person, who may address the Tribunal on behalf of the appellant, but may not, except with the permission of the Tribunal, represent the appellant.

4. Where any person is summoned to attend any proceedings of the Appeals Tribunal for the purpose of giving evidence, the Tribunal may, if it thinks fit, order the payment of the expenses of such person as follows—

- (a) if a public officer, such reasonable out-of-pocket expenses as he may have incurred, other than those payable from a departmental vote in accordance with Government regulations obtaining at the time;
- (b) if a person other than a public officer, his reasonable travelling and out-of-pocket expenses.

5. The Appeals Tribunal may impose a fee not exceeding twenty shillings in respect of each appeal.

6. (1) A record of the allegations made against the teacher, the determination of the Commission under section 10 of the Act, and the decision of the Appeals Tribunal on appeal against such determination shall be maintained by the Tribunal.

(2) Where the Appeals Tribunal determines that an allegation against a teacher has not been proved, the decision of the Tribunal shall include a statement that the teacher is not guilty of such conduct in respect of the matters to which the allegation relates.

[Subsidiary]

**Classes of persons exempted from all the provisions of the Act under section 22**

Teachers who are members of the public service, including overseas teachers under contract to the Government. L.N. 91/1967.

Teachers under contract to a foreign government and seconded for service in Kenya.

Teachers on “mission” terms of employment.

Teachers employed on Overseas Appointments Board terms.

Overseas teachers employed by local authorities on overseas terms.

**DELEGATION OF POWERS**

IN EXERCISE of the powers conferred by section 4 (1) the Teachers Service Commission Act, the Teachers Service Commission, with the consent of the Minister for Education, delegates to the person or body specified in the second column of the Schedule here to the exercise of powers being powers conferred upon or vested on the Teachers Service Commission by the provisions of section 4 (1) (a) of the Act.

## SCHEDULE

<i>Nature of Power</i>	<i>Person or Body</i>
Assignment of transfer of teachers to Primary Schools	The Provincial Education Officer, the Municipal Education officer or the District Officer as the case may be.
Assignment or transfer of teachers to Teachers Training Colleges, Secondary Schools, Technical Schools and Special Schools, in case of an emergency.	The Provincial Education Officer.
Interdiction of teachers in Primary Schools.	The Provincial Education Officer, the Municipal Education officer or the District Officer as the case may be.
Interdiction of teachers in Teachers Training Colleges, Technical Schools Secondary Schools, and Special Schools.	The Provincial Education Officer or the Board of Governor.

[Subsidiary]

L.N. 188/1993.

**TEACHERS SERVICE REMUNERATION COMMITTEE  
RECOMMENDATIONS**

**Order in terms of section 14 (3)**

The remuneration of non-graduate teachers in the teacher service be as follows commencing 1st January, 1993.

	<i>Present Salary</i>	<i>New Salary</i>
	<i>K£ (p.a.)</i>	<i>K£ (p.a.)</i>
P4	852—1,335	972—1,530
P3	1,092—1,773	1,227—2,034
P2	1,335—2,076	1,485—2,418
P1	1,716—2,871	1,914—3,342
S1	2,142—3,639	2,418—4,203

L.N. 374/1994,  
L.N. 364/1995.

**TEACHERS SERVICE COMMISSION (REMUNERATION OF  
TEACHERS) ORDER, 1994**

1. This Order may be cited as the Teachers Service Commission (Remuneration of Teachers) Order, 1994.

2. The remuneration of teachers service of the grades specified in the first column of the Schedule shall be in accordance with the salary scales specified in columns II, III or IV respectively of the Schedule.

L.N. 230/1978.

3. The Teachers Service Commission (Remunerations of Teachers) Order 1978, is revoked.



[Subsidiary]

## SCHEDULE

COLUMN I	COLUMN II	COLUMN III	COLUMN IV
<i>Grade</i>	<i>Present Salary</i>	<i>New Salary With Effect from 1-7-94</i>	<i>With Effect from 1-7-94</i>
	K£	K£	K£
P4. . . . .	1,017—1,575	1,206—1,777	—
P3. . . . .	1,272—1,279	1,416—2,361	—
P2	1,530—2,463	1,722—2,799	—
P1.. . . .	1,959—3,387	2,217—4,227	—
S1 .. . . .	2,463—4,248	2,799—5,322	—
Untrained Teachers with/without K.C.P.E. . . . .	807—1,227	w.e.f. 1-7-93 879—1,335	1,128—1,416
Untrained Teachers, K.J.S.E./Div. 4/ K.C.S.E. and below .. . . .	1,152—1,686	1,254—1,956	1,332—2,073
Untrained Teachers/K.A.C.E./ K.C.E. Div. I—III or K.C.S.E. C+ and above .. . . .	1,440—2,034	1,572—2,364	1,668—2,505
Untrained Technical Teacher .. .	2,166—3,816	2,364—4,161	2,505—4,827
Untrained Graduate Teacher .. .	2,712—3,816	2,961—4,443	3,435—5,157
Graduate Approved Teacher III and Technical Teacher .. . . .	3,234—4,644	3,528—5,220	4,092—6,066
Graduate Approved Teacher II and Assistant Lecturer .. . . .	3,816—5,286	4,161—6,147	4,827—7,140
Graduate Approved Teacher I and Lecturer .. . . .	4,497—6,012	4,902—6,996	5,694—8,127
Senior Graduate Approved Teacher and Senior Lecturer .. .	5,460—7,296	5,955—8,466	6,918—9,837
Principal Graduate Approved Teacher II and Principal Lecturer.. . . .	6,012—7,998	6,558—9,300	7,872—10,803
Principal Graduate Approved Teacher I .. . . .	7,062—8,526	7,692—9,876	8,937—11,469
Senior Principal Graduate Approved Teacher .... . . . .	—	8,937—11,469	10,137—12,540

[Subsidiary]  
L.N. 364/1995.

**TEACHERS SERVICE COMMISSION (REMUNERATION OF  
TEACHERS) ORDER, 1995**

1. This Order maybe cited as the Teachers Service Commission (Remuneration of Teachers) Order, 1995.

2. The remuneration of teachers house and out-patient medical allowances shall be in accordance with the salary scales specified in Schedules I, II, and III herein.

3. The Teachers Service Commission (Remuneration of Teachers) Order, 1994, in respect of medical allowances is revoked.

**SCHEDULE I**

TEACHERS LIVING IN PRIVATELY RENTED ACCOMMODATION W.E.F. 1ST JULY, 1995

<i>Teachers on</i>	<i>KSh. per month</i>
K£ 11,469 p.a. and above	5,220.00
K£ 10,137 to 11,136 p.a.	4,740.00
K£ 7,872 to 9,837 p.a.	3,612.00
K£ 5,694 to 7,617 p.a.	3,018.00
K£ 4,827 to 5,508 p.a.	2,442.00
K£ 3,564 to 4,662 p.a.	2,058.00
K£ 2,577 to 3,435 p.a.	1,482.00
K£ 1,668 to 2,505 p.a.	1,110.00
K£ 1,206 to 1, 614 p.a.	840.00
K£ 1,167 p.a. and below	384.00

**SCHEDULE II**

TEACHERS LIVING IN THEIR OWN HOUSES W.E.F. 1ST JULY, 1995

<i>Teachers on</i>	<i>Capital Cost Ceilings</i>	<i>Maximum Owner Occupier House Allowance</i>
	<i>K£</i>	<i>KSh. per month</i>
K£ 11,469 p.a. and above	34,400	10,320.00
K£ 10,137 to 11,136 p.a.	28,600	8,580.00
K£ 7,872 to 9,837 p.a.	23,940	7,185.00
K£ 5,694 to 7,617 p.a.	18,900	5,670.00
K£ 4,227 to 5,508 p.a.	14,750	4,425.00
K£ 2,577 to 4,092 p.a.	10,250	3,075.00
K£ 1,668 to 2,505 p.a.	7,000	2,100.00
K£ 1,206 to 1, 614 p.a.	5,200	1,560.00
K£ 1,167 p.a. and below	2,800	840.00

**SCHEDULE III**

## OUT-PATIENT MEDICAL ALLOWANCE FOR TEACHERS W.E.F. 1ST JULY, 1995

<i>Teachers on</i>	<i>KSh. per month</i>
K£ 2,073 p.a. and below	375.00
K£ 2,145 to 3,021 p.a.	495.00
K£ 3,435 to 4,662 p.a.	750.00
K£ 4,827 to 6,066 p.a.	990.00
K£ 6,252 to 7,140 p.a.	1,245.00
K£ 7,362 to 9,837 p.a.	1,500.00
K£ 10,137 to 11,467 p.a.	1,740.00
K£ 11,802 to 12,540 p.a.	1,995.00
K£ 12,909 p.a. and above	2,490.00

**TEACHERS SERVICE COMMISSION (REMUNERATION OF TEACHERS) ORDER, 1997**

L.N. 180/1997,  
L.N. 534/1997,  
L.N. 162/2002,  
L.N. 16/2003,  
L.N. 142/2003.

1. This Order may be cited as the Teachers Service Commission (Remuneration of Teachers) Order, 1997.

2. The remuneration of teachers in the teaching service, of the grades specified in column 1 of the First Schedule, shall be in accordance with the salary scales specified in columns 2, 3, 4, 5, 6, 7 and 8 with effect from dates specified under each column.

3. The automatic house allowance payable to teachers in the teaching service shall be as per the Directorate of Personnel Management Circular Ref. No. OP. 18/ 1A/ VIII/ 141 of 18th June, 2001.

4. Medical allowance payable to teachers in the teaching service shall be at the rates specified in columns 2, 3 and 4 of the Third Schedule, with effect from the dates specified under each column.

5. The responsibility allowance payable to teachers in the teaching service, during the financial years specified in the first column of the following table, shall be at the percentage of the rates prescribed in the code of Regulations for Teachers (Revised 1986) respectively specified in the second column.

<i>Financial Year</i>	<i>Percentage Rate</i>
2003/2004	Current Rate
2004/2005	Current Rate
2005/2006	125%
2006/2007	250%
2007/2008	375%
2008/2009	500%

[Subsidiary]

6. Special allowance payable to teachers in the teaching service who are deployed to teach in special schools/institutions and teachers who possess diplomas or certificates in special education deployed to teach in special units shall be at the rate of 10 per cent of the minimum basic salary with effect from 1st July, 1997.

7. Hardships allowance payable to teachers in the teaching service shall be at the rate of 30 percent of the minimum basic salary specified in the second column of the first schedule with effect from 1st July, 1997. All the teachers serving in the districts/areas gazetted as hardship areas and those teachers in the areas listed below will qualify for this allowance irrespective of their marital status—

- (a) Mfangano and Rusinga Islands in Suba District.
- (b) Nyamutiro Division, Kuria District.
- (c) Osiyeko Division, Busia District.
- (d) Musiro Division, Busia District.
- (e) Kajiado District.
- (f) Lower Solai, Koibatek District.
- (g) Laikipia District.
- (h) Kitui District.
- (i) Nganza Division, Kilifi District.
- (j) Kerio Valley Division, Keiyo District.
- (k) Marakwet District.
- (l) Kinango and Samburu Divisions, Kwale District.
- (m) Trans Mara District.
- (n) Mwingi District.
- (o) Tharaka Division, Tharaka/Nithi District.
- (p) Mbeere District.
- (q) Kina Division, Nyambene District.
- (r) Magarini, Mafara and Kakoneni Divisions, Malindi District.
- (s) Masinga and Yatta Divisions, Machakos District.

- (t) Kieni division, Nyeri District.
- (u) Ndeiya Division, Kiambu District.
- (v) Makuyu Division, Maragua District.
- (w) Muhoroni, Fortenani Soini and Sondu, Kericho District.
- (x) Muhoroni Valley and Sondu Divisions, Kisumu District.
- (y) Kakuzi Division in Thika District.

8. The automatic commuter allowance payable to teachers in the teaching service shall be at the rates specified in columns 2, 3, 4, 5, 6 and 7 of the Fourth Schedule, with effect from the dates specified under each column.

9. Accommodation allowance payable to teachers in the teaching service shall be in accordance with the rates specified in the Second Schedule, with effect from 1st July, 1998.

10. (1) The transfer allowance payable to teachers in teaching service shall be equivalent to one month's gross basic salary, with effect from 1st July, 2003.

(2) For the purposes of payment of transfer allowance, the working station of a teacher shall be taken to be the teacher's home district.

(3) Transfer allowance shall only be payable to teachers transferred from one station (district) to another station (district) on the initiative of the employer (the Teachers' Service Commission).

11. Advances for purchase of motor vehicles for teachers in the teaching service with effect from 1st July, 1998, will be in accordance with governing regulations on such advances issued by the Treasury from time to time.

[Subsidiary]

L.N. 16/2003,  
L.N. 142/2003.

## FIRST SCHEDULE (Salary Scales)

COLUMN 1	COLUMN 2		COLUMN 3		COLUMN 4		COLUMN 5		COLUMN 6		COLUMN 7		COLUMN 8	
	Present Salary		New Salary w.e.f. 1-7-2003 KSh. p.m.		New Salary w.e.f. 1-7-2004 KSh. p.m.		New Salary w.e.f. 1-7-2005 KSh. p.m.		New Salary w.e.f. 1-7-2006 KSh. p.m.		New Salary w.e.f. 1-7-2007 KSh. p.m.		New Salary w.e.f. 1-7-2008 KSh. p.m.	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
1	2,730	3,420	4,180	4,580	5,248	5,648	6,316	6,716	7,384	7,784	8,452	8,852	9,520	9,920
2	3,220	5,015	4,580	5,720	5,648	6,788	6,716	7,856	7,784	8,924	8,852	9,992	9,920	11,060
3	4,030	5,655	4,880	6,520	5,796	7,436	6,712	8,352	7,628	9,268	8,544	10,184	9,460	11,100
4	2,920	4,290	4,280	5,170	5,360	6,250	6,440	7,330	7,520	8,410	8,600	9,490	9,680	10,570
5	3,420	5,495	4,580	6,320	5,660	7,400	6,740	8,480	7,820	9,460	8,900	10,640	9,980	11,720
6	4,160	6,285	5,000	7,160	6,037	8,197	7,074	9,234	8,111	10,271	9,148	11,308	10,185	12,345
7	5,175	9,140	5,920	10,170	6,995	11,245	8,070	12,320	9,145	13,395	10,220	14,470	11,295	15,545
8	6,285	11,390	7,160	12,270	8,222	13,352	9,284	14,394	10,346	15,456	11,408	16,518	12,470	17,580
9	8,885	12,870	9,870	14,070	10,004	15,404	11,338	16,738	12,672	18,072	14,006	19,406	15,340	20,740



[Subsidiary]

**SECOND SCHEDULE**

## ACCOMMODATION ALLOWANCE

<i>Teachers on the under-mentioned salaries per annum</i>	<i>Maximum per night</i>	
	<i>Present Ksh.</i>	<i>New Ksh.</i>
K£ 22,968 p.a. and above .. . . .	—	2,000
K£ 18,276 and above but under 22,968 .. . . .	400	1,600
K£ 12,540 and above but under 18,276 .. . . .	300	1,200
K£ 9,237 and above but under 12,540 .. . . .	200	800
K£ 4,992 and above but under 9,237 .. . . .	175	700
K£ 4,827 and below .. . . .	150	600

This Order revokes Legal Notice No. 180 of 1997.

L.N. 16/2003,  
L.N. 142/2003.

**THIRD SCHEDULE (Medical Allowance)**

		COLUMN 2	COLUMN 3	COLUMN 4
	<i>Teachers Grades</i>	<i>Present Medical Allowance KSh.</i>	<i>New Medical Allowance Year 2003/04 KSh.</i>	<i>New Medical Allowance Year 2004/05 KSh.</i>
1	U.T. teacher with/without K.C.P.E.	439	609	645
2	U.T. with K.J.S.E./K.C.E./DIV. IV/ K.C.S.E. "D" plain and below	513	595	631
3	U.T. with K.C.E. Division I-III/ K.S.C. E. C-/U.T. with K.A.C.E./ K.C.S.E. C+ and above	624	724	766
4	P4 Teacher	513	595	631
5	P3 Teacher	513	595	631
6	P2 Teacher	624	724	760
7	P1 Teacher	776	900	958
8	ATS. IV/Untrained Technical Teacher/Trained Certificate Technical Teacher	942	1,092	1,187



[Subsidiary]

## THIRD SCHEDULE—(Contd.)

		COLUMN 2	COLUMN 3	COLUMN 4
	<i>Teachers Grades</i>	<i>Present Medical Allowance KSh.</i>	<i>New Medical Allowance Year 2003/04 KSh.</i>	<i>New Medical Allowance Year 2004/05 KSh.</i>
9	Graduate Teacher/Trained Certificate Technical Teacher II/Trained Diploma Technical Teacher III/Diploma Technical Teacher III/Diploma Teacher (SI Diploma) ATS. III	1,328	1,540	1,632
10	Trained Certificate Technical Teacher I/Trained Diploma Technical Teacher II/A.T.S. II/Trained Graduate Teacher II/Assistant Lecturer	1,542	1,790	1,897
11	Trained Diploma Technical Teacher I/A.T.S. In Trained Graduate Teacher I Lecturer	1,819	2,119	2,248
12	Senior Graduate/Approved Teacher/Senior Lecturer/Principal III	2,179	2,528	2,280
13	Principal Graduate/Approved Teacher II/Principal Lecturer/Principal II	2,476	2,872	3,044
14	Principal Graduate/Approved Teacher/Senior Principal Lecturer/Principal I	2,808	3,258	3,453
15	Senior Principal Teacher	3,183	3,693	3,913
16	Chief Principal Teacher	3,588	4,162	4,412

[Subsidiary]

## FOURTH SCHEDULE (Commuter Allowance)

L.N. 16/2003,  
L.N. 142/2003.

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7
	<i>Teachers Grades</i>	<i>New Commuter Allowance w.e.f. 1-7-2003 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2004 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2005- KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2006 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2007 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2008- KSh. p.m.</i>
1	U.T. teacher with/without K.C.P.E.	76	169	262	355	448	541
2	U.T. with K.J.S.E./K.C.E./DIV IV/K.C.S.E "D" plain and below	90	200	310	420	530	640
3	U.T. with K.C.E. Division I-III/K.C.S.E. C-/U.T. with K.A.C.E./K.C.S.E. C+ and above	112	250	388	526	664	802
4	P4 Teacher	80	178	276	374	472	570
5	P3 Teacher	94	209	324	439	554	669
6	P2 Teacher	112	250	388	526	664	802
7	P1 Teacher	141	313	485	657	829	1,001
8	ATS, IV/Untrained Technical Teacher/Trained Certificate Technical Teacher	166	369	572	775	978	1,181
9	Graduate Teacher/Trained Certificate Technical Teacher II/Trained Diploma Technical Teacher III/Diploma Technical Teacher III/Diploma Teacher (SI Diploma) ATS, III	232	514	796	1,078	1,360	1,642

[Subsidiary]

FOURTH SCHEDULE—(Contd.)

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7
		<i>New Commuter Allowance w.e.f. 1-7-2003 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2004 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2005- KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2006 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2007 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2008- KSh. p.m.</i>
10	Trained Certificate Technical Teacher I/ Trained Diploma Technical Teacher II/A.T.S. II/Trained Graduate Teacher II/Assistant Lecturer	269	597	925	1,253	1,581	1,909
11	Trained Diploma Technical Teacher I/A.T.S. In Trained Graduate Teacher I Lecturer	318	706	1,094	1,482	1,870	2,258
12	Senior Graduate/Approved Teacher/Senior Lecturer/Principal III	378	840	1,302	1,764	2,226	2,688
13	Principal Graduate/Approved Teacher II/ Principal Lecturer/Principal II	427	950	1,473	1,996	2,519	3,042
14	Principal Graduate/Approved Teacher/Senior Principal Lecturer/Principal I	485	1,078	1,671	2,264	2,857	3,450
15	Senior Principal Teacher	550	1,222	1,894	2,566	3,238	3,910
16	Chief Principal Teacher	620	1,378	2,136	2,894	3,652	4,410

