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THE KENYA NATIONAL LIBRARY SERVICE BOARD ACT

CHAPTER 225

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CHAPTER 225

KENYA NATIONAL LIBRARY SERVICE BOARD ACT

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SCHEDULE —

**CONSTITUTION AND PROCEEDINGS OF
THE BOARD**

CHAPTER 225

KENYA NATIONAL LIBRARY SERVICE BOARD ACT

[Date of assent: 17th August, 1965.]

[Date of commencement: 1st April, 1967.]

An Act of Parliament to establish the Kenya National Library Service Board and to provide for matters incidental thereto and connected therewith

[Act No. 23 of 1965, Legal Notice 74 of 1967, Legal Notice 184 of 1967, Legal Notice 73 of 1969, Legal Notice 86 of 1970, Act No. 12 of 1984, Act No. 13 of 1988, Act No. 7 of 2007.]

1. Short title

This Act may be cited as the Kenya National Library Service Board Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"Board" means the Kenya National Library Service Board established by section 3 of this Act;

"financial year" means a financial year of the Board commencing on the first day of July and ending on the next following thirtieth day of June;

"library" means an organized collection of printed books, periodicals or any graphic or audio-visual material to which a member of the public has access free of charge or on payment of fees or by virtue of being a member of an organization or institution.

[Act No. 12 of 1984, Sch.]

3. Establishment of Board

(1) There is hereby established a Board, which shall—

- (a) be a body corporate under the name of the Kenya National Library Service Board, with perpetual succession and a common seal;
- (b) in its corporate name be capable of suing and being sued; and
- (c) be capable of holding, purchasing and otherwise acquiring, and disposing of any property movable or immovable for the purposes of, or in the course of, the carrying out of its functions.

(2) The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of, and otherwise in relation to, the Board.

(3) The Cabinet Secretary may, on the advice of the Board, by notice in the *Gazette*, amend the Schedule to this Act.

4. Functions of the Board

The functions of the Board shall be—

- (a) to promote, establish, equip, manage, maintain and develop libraries in Kenya as a National Library Service;
- (b) to plan and co-ordinate library, documentation and related services in Kenya;
- (c) to advise the Government, local authorities and other public bodies on all matters relating to library, documentation and related services;

- (d) to provide facilities for the study of, and for training in the principles, procedures and techniques of librarianship and such other related subjects as the Board may from time to time decide;
- (e) to advise the Government on library education and training needs for library, documentation and related services;
- (f) to sponsor, arrange or provide facilities for conferences and seminars for discussion of matters in connection with library and related services;
- (g) to carry out and to encourage research in the development of library and related services;
- (h) to participate and assist in campaigns for the eradication of illiteracy;
- (i) to stimulate public interest in books and to promote reading for knowledge, information and enjoyment;
- (j) to acquire books produced in and outside Kenya and such other materials and sources of knowledge necessary for a comprehensive national library;
- (k) to publish the national bibliography of Kenya and to provide a bibliographical and references service.

[Act No. 12 of 1984, Sch.]

5. Report by Board

The Board shall, within six months after the end of each financial year, make a full report to the Cabinet Secretary on the conduct of its business during that year, and the Cabinet Secretary shall lay a copy thereof before the National Assembly.

6. Appointment of Director and other staff

(1) There shall be a Director of the Service who shall be appointed by the Board and whose terms and conditions of service shall be determined by the Board in the instrument of appointment and otherwise in writing from time to time.

(2) A person shall be qualified for appointment under this section if such person

- (i) is a professional librarian; or
- (ii) is an information communication technology specialist; and
- (iii) has proven managerial skills and experience.

(3) The Director shall be an *ex officio* member of the Board but shall have no right to vote at any meeting of the Board.

(4) The Board may, from time to time, appoint such officers and other staff as it may consider necessary for carrying out its functions under this Act on such terms and conditions as it may deem fit.

[Act No. 12 of 1984, Sch., Act No. 7 of 2007, Sch.]

7. Funds of Board

The funds and resources of the Board shall consist of—

- (a) such sums as may, from time to time, be provided by Parliament for the purposes of this Act;
- (b) any sums or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to the carrying out of its functions; and

- (c) any sums or property which may be donated to the Board:

Provided that the Board shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation.

8. Investment

(1) The Board may, with the approval of the Cabinet Secretary, and subject to such conditions as he may impose, invest such part of its funds as are not for the time being required for the purposes of its business.

(2) The powers of the Cabinet Secretary under this section shall be exercised with the concurrence of the Cabinet Secretary for the time being responsible for finance and shall extend to the amount which may be invested, the nature of the investment and the terms and conditions thereof, and the Cabinet Secretary's approval may be either general or limited to a particular investment.

9. Accounts and audit

(1) The Board shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of accounts in a form approved by the Cabinet Secretary, being a form which conforms with the best commercial standards.

(2) The accounts of the Board shall be examined, audited and reported upon annually by the Auditor-General.

(3) As soon as the accounts of the Board for any financial year have been audited, the Board shall cause to be sent to the Cabinet Secretary a copy of the statement of accounts prepared in respect of that year together with a copy of any report made by the auditors on the statement or on the accounts.

(4) The Cabinet Secretary shall, within a period of six months (or such longer period as the National Assembly may by resolution appoint) after the end of the financial year to which the accounts relate, lay a copy of every such statement and report before the National Assembly.

[Act No. 13 of 1988, Sch.]

10. Execution of documents

(1) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Board—

- (a) if sealed with the common seal of the Board and signed by two members thereof; or
- (b) if executed in that behalf by one member of the Board appointed by the Board for that purpose and by the Chief Librarian appointed under section 6 of this Act or any member of the staff of the Board acting in that office.

(2) A deed, instrument, contract or other document executed in accordance with subsection (1) of this section shall, subject to any exception that may be taken thereto on any ground other than that of the competence of the party executing the same on behalf of the Board, be effectual in law to bind the Board and its successors thereto and may be varied or discharged in like manner as that in which it was executed.

11. Regulations

The Cabinet Secretary, acting in accordance with the advice of the Board, may make regulations—

- (a) for the better management and control of any library managed by the Board;
- (b) for protecting any such library and the fittings, furniture and contents thereof from damage;
- (c) for the giving of a guarantee or security by any person using any such library;
- (d) prescribing fees and penalties to be paid by any person borrowing books from any such library; and
- (e) generally for the better carrying out of the purposes of this Act.

SCHEDULE

CONSTITUTION AND PROCEEDINGS OF THE BOARD

[L.N. 184/1967, L.N. 73/1969, L.N. 86/1970.]

1. Constitution

- (1) The Board shall consist of the following members appointed by the Cabinet Secretary with the approval of the President—
 - (a) five members consisting of the Principal Secretaries to the Ministries for the time being responsible for Social services, local government, education, finance, economic planning and development and one member representing the Kenya National Library Board, or a person deputed in writing from time to time by any such Principal Secretary to take his place as a member of the Board;
 - (b) the Principal of the University College, Nairobi, or the person deputed in writing from time to time by him to take his place as a member of the Board;
 - (c) the Town Clerk, Nairobi City Council, or the person deputed in writing from time to time by him to take his place as a member of the Board;
 - (d) one representative from each province who shall be appointed by the Cabinet Secretary on the advice of the Provincial Commissioner; and
 - (e) not more than three such other persons as the Cabinet Secretary may appoint.
- (2) The President may, on the advice of the Cabinet Secretary appoint any member to be Chairperson of the Board, and the Board may elect any member to be vice-Chairperson of the Board.
- (3) Each appointed member of the Board shall hold office for a term of two years, unless his appointment is earlier revoked by the Cabinet Secretary, and shall be eligible for reappointment.
- (4) Any member of the Board appointed under subparagraph (1)(d) and (e) of this paragraph may at any time resign by giving notice in writing to the Cabinet Secretary and from the date of receipt of such notice by the Cabinet Secretary, he shall cease to be a member of the Board.

2. Casual vacancies

Where any member of the Board appointed under paragraph 1(1)(d) and (e) ceases to be a member before the normal expiration of his term of office, the Cabinet Secretary, after consulting the Board, may appoint another person in his stead to hold office until such first-named person's term of office would have expired had he not ceased to be a member as aforesaid.

3. Quorum and procedure

- (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business.
- (2) At any meeting of the Board five members thereof shall constitute a quorum.
- (3) The Board may elect any member thereof to be vice-Chairperson of the Board.
- (4) At any meeting of the Board the Chairperson shall preside or, in the absence of the Chairperson, if a vice-Chairperson has been elected the vice-Chairperson shall preside or, if no vice-Chairperson has been elected or if the vice-Chairperson is also absent, the members present at the meeting shall elect one of their number to be Chairperson for that meeting.
- (5) In the event of an equality of votes, the Chairperson of the meeting shall have a casting vote in addition to his deliberative vote.
- (6) Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at the next meeting and signed by the Chairperson of that meeting.
- (7) Subject to the provisions of this paragraph and to any directions given by the Cabinet Secretary, the Board may regulate its own procedure.
- (8) The Board may in its discretion invite any person who is not a member of the Board to attend a meeting or meetings of the Board, but such person shall have no power to vote at such meeting or meetings.

4. Vacancies, etc., not to invalidate proceedings

Subject to the provisions of paragraph 3 relating to a quorum, the Board may act notwithstanding any vacancy in the membership thereof and no act or proceeding of the Board shall be invalid by reason only of some defect in the appointment of a person who purports to be a member thereof.

5. Remuneration and expenses

The members of the Board shall be paid out of the funds thereof such expenses as the Cabinet Secretary may from time to time determine.
