



THE REPUBLIC OF KENYA

LAWS OF KENYA

THE NUTRITIONISTS AND DIETICIANS ACT

CHAPTER 253B

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CHAPTER 253B

NUTRITIONISTS AND DIETICIANS ACT

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CHAPTER 253B

NUTRITIONISTS AND DIETICIANS ACT

[Date of assent: 22nd October, 2007.]

[Date of commencement: 21st October, 2008.]

An Act of Parliament to provide for the training, registration and licensing of nutritionists and dieticians; to provide for the regulation of the standards, and practice of the profession; to ensure their effective participation in matters relating to nutrition and dietetics, and for connected purposes

[Act No. 18 of 2007, Legal Notice 130 of 2008, Act No. 5 of 2019.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Nutritionists and Dieticians Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“approved” means passed as sufficient and adequate by the Council or other body legally empowered to declare persons and processes fit and proper;

“article” includes—

- (a) any food, nutrient or food supplements and any labelling or advertising materials in respect thereof; and
- (b) anything used for the preparation, preservation, packing or storing of any food, nutrient or food supplements;

“Cabinet Secretary” means the Cabinet Secretary responsible for Health;

“Council” means the Council of the Institute of Nutritionists and Dieticians established under section 6 of this Act;

“consultant nutritionist” means a nutritionist who works under a specific contract of service in a health facility or in private practice;

“consultant dietician” means a dietician who works under a specific contract of service in a health facility or in private practice;

“Council” means the Council of the Institute set up under section 5;

"diet" means food or nutrient concentrates consumed by an individual or population for the purpose of nourishment and can either be formal diets, non-formal diets or informal diets;

"dietetic technologist" means a person who has undergone professional training at diploma level with a bias in dietetics, registered and licensed under this Act;

"dietician" means a person who has undergone professional training at degree level, with bias in clinical dietetics and food service diet therapy registered and licensed under this Act;

“health institution” means a hospital, clinic, nursing home, or any other lawful place that offers healthcare services, whether private or public;

"indexing" means a process of keeping records of an individual student pursuing a course in nutrition or dietetics for purposes of monitoring and subsequent professional examination, registered and licensed under this Act;

"Institute" means the Kenya Nutritionists and Dieticians Institute established under section 4;

"internship" means undergoing supervised one-year competency practice in a specialized area of nutrition or dietetics;

"Kenya Coalition for Action in Nutrition" means the association of that name registered under the Societies Act (Cap. 108);

"Kenya Medical Association" means the association of that name registered under the Societies Act (Cap. 108);

"label" includes any legend, work or mark attached to, included in, belonging to or accompanying any food or food supplements;

"medical personnel" includes a medical practitioner registered under the Medical Practitioners and Dentists Act Act (Cap. 253) and a nurse within the meaning of the Nurses and Midwives Act (Cap. 257);

"nutrients" means compounds contained in food which nourish the body such as amino acids, simple sugars, fatty acids, vitamins and minerals;

"Nutrition Association of Kenya" means the association of that name registered under the Societies Act (Cap. 108);

"nutritionist" means a person who has undergone professional training at degree level, with a bias in clinical, food science, community and public health competencies in nutrition registered and licensed under this Act;

"nutrition technician" means a person who has undergone professional training at certificate level, registered and licensed under this Act;

"nutrition technologist" means a person who has undergone professional training at diploma level, registered and licensed under this Act.

[Act No. 5 of 2019, Sch.]

3. Restriction on use of title

(1) Subject to the provisions of this Act, no person shall practise under the name, title or style containing the words or phrases "Nutritionist", or "Dietician", "Nutrition technologist" "Technologist" "Nutrition or Dietetics technicians" unless that person holds a relevant degree, diploma or certificate from a recognized university or college, and is registered and licensed under this Act.

(2) Notwithstanding any other provisions of this Act, a person registered and licensed under this Act shall engage in private practice only if he holds a diploma or a degree and has completed one-year internship or has a minimum of three years' experience in nutrition and dietetics.

[Act No. 5 of 2019, Sch.]

PART II – ADMINISTRATIVE PROVISIONS

4. Establishment of the Institute

(1) There is hereby established an Institute to be known as the Kenya Nutritionists and Dieticians Institute.

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

- (a) suing and being sued;
- (b) acquiring, holding and disposing of property; and
- (c) doing all such things as may be done by a body corporate.

(3) The Institute shall be governed by a Council.

(4) Each person who is registered by the registration Committee of the Council under 18(1) shall automatically become a member of the Institute and subject to the disciplinary procedures of the Institute.

(5) Members of the Institute shall pay such fees and subscriptions as the Council may determine.

5. Establishment and composition of the Council of the Institute

(1) The Council of the Institute is hereby established.

(2) The Council shall consist of—

- (a) a chairperson who shall be appointed by the Cabinet Secretary and who shall—
 - (i) be a holder of a bachelors' degree in nutrition or dietetics; and
 - (ii) have at least ten years of professional experience after the first degree of which two years shall be at leadership and managerial level;
- (b) one qualified nutritionist or dietician professional with a minimum of a diploma in good standing from private practice who shall be appointed by the Cabinet Secretary;
- (c) the Director of Nutrition and Dietetics Services in the Ministry responsible for health or their designated representative;
- (d) one representative of the Consumers Federation of Kenya, who shall be a holder of at least a Bachelor's Degree;
- (e) one representative of faculties teaching nutrition and dietetics at public universities who shall be competitively sourced and who shall be a holder of at least a Master's Degree;
- (f) one representative from public and private middle level colleges, offering courses in nutrition or dietetics;
- (g) the Director-General for health or their designated representative;
- (h) one member with technical knowledge and competencies in finance who shall be appointed by the Cabinet Secretary; and
- (i) the Chief Executive Officer as an *ex officio* member.

(3) The chairperson and every member elected under subsection (2) shall hold office for a term of 3 years and shall be eligible for re-appointment for a further term of three years.

(4) All appointments under this section shall be notified in the *Gazette* by the Cabinet Secretary for the time being responsible for matters relating to health.

(5) Pursuant to nominations in paragraphs (d), (e) and (f) of subsection (2), each organization shall present two nominations one of whom will be appointed by the Cabinet Secretary taking into account ethnic diversity, gender disability, skills mix and regional balance.

(6) The appointments under subsection (2) shall consider gender, regional and ethnic balance.

(7) The Council shall establish a maximum of four committees to deal with matters of training, registration, finance and human resource, audit and risk policies management for proper administration of the Act, but may establish such other *ad hoc* committees as may be necessary to carry out the functions of the Council.

(8) The Council shall regulate its own procedures in accordance with the First Schedule.

[Act No. 5 of 2019, Sch.]

6. Functions of the Institute

The functions of the Council shall be to—

- (a) determine and set a framework for the professional practice of nutritionists and dieticians;
- (b) set and enforce standards of professional practice and ethics on nutrition and dietetics;
- (c) enforce a programme of quality assurance for the nutrition and dietetic profession;
- (d) approve institutions as institutions for the purpose of training persons seeking registration under this Act;
- (e) research into and provide public education on nutrition and dietetics;
- (f) maintain the competence of members by updating their knowledge through publications and the conduct of continuing professional education;
- (g) provide training for nutritionists and dieticians;
- (h) design programmes and methods for sensitization on suitable dietary and nutritional habits;
- (i) perform such other functions as may be necessary for the proper administration of this Act; and
- (j) working jointly with other bodies, participate actively on reviews of food, food supplements and fortifiers with nutrient claims.

[Act No. 5 of 2019, Sch.]

7. Delegation of powers of the Institute

Subject to this Act, the Institute may either generally or in a particular case, delegate to any committee of the Council or to any member, officer, employee, agent of the Institute or technical working group, the exercise of any of the powers of the Institute under this Act.

[Act No. 5 of 2019, Sch.]

8. Remuneration of Council members

The Institute shall pay such remuneration, fees, and other allowances to members of the Council as may be determined from time to time by the Council in consultation with the Salaries and Remuneration Commission.

[Act No. 5 of 2019, Sch.]

9. The Chief Executive Officer

(1) There shall be a Chief Executive Officer of the Institute who shall be competitively recruited by the Council and whose terms and conditions of service shall be determined by Public Service Commission.

(2) A person shall be qualified to be appointed as the Chief Executive Officer if the person—

- (a) possesses a Master of Science degree or its equivalent from a university recognised in Kenya;
- (b) has at least ten years professional and administrative experience in matters related to health; and
- (c) meets the requirements of Chapter Six of the Constitution.

(3) The Chief Executive Officer shall hold office for a term of four years renewable once based on performance.

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

[Act No. 5 of 2019, Sch.]

9A. Corporation Secretary

(1) The Council shall competitively appoint a Corporation Secretary on part time or full time basis to facilitate the functions of the Council.

(2) The Corporation Secretary shall be the secretary to the Council but not a member of the Council.

(3) The Corporation Secretary shall discharge his duties as stipulated in the State Corporation guidelines.

(4) The Corporation Secretary shall coordinate with the office of the Chief Executive Officer to facilitate the activities of the Council.

(5) The Corporation Secretary shall be a person of high integrity who meets the requirements of Chapter Six of the Constitution.

[Act No. 5 of 2019, Sch.]

10. Staff of the institute

The Institute shall appoint such officers and other staff as are necessary for the proper discharge of its functions under this Act, upon such terms and conditions as the Council may determine.

11. Protection from personal liability

No action of a member of the Council or by any officer, employee or agent of the Institute shall, if the action is done *bona fide* for executing the functions, powers or duties of the Institute, render the member, officer, employee or agent personally liable to any action, claim or demand.

PART III – EXAMINATION, REGISTRATION, LICENSING AND DISCIPLINE**12. The Establishment of the Accreditation Committee**

(1) There is hereby established a Committee known as the Kenya Nutrition and Dieticians Accreditation Committee.

(2) The Committee shall consist of—

- (a) a Chairperson appointed by the Cabinet Secretary, who shall be a qualified nutritionist or dietician;

- (b) five persons who shall be qualified nutritionists or dieticians, nominated by the Council, two of whom shall be from institutions of higher learning, and appointed by the Commission for Higher Education;
- (c) two persons nominated by the Cabinet Secretary responsible for Education, one of whom shall be from the Kenya Institute of Education, and the other from the Kenya National Examination Council;
- (d) two persons nominated by the Commission for Higher Education; and
- (e) two persons nominated by the Cabinet Secretary responsible for Health.

(3) In nominating the persons under subsection (2)(b), the Council shall have regard to gender parity.

[Act No. 5 of 2019, Sch.]

13. Functions of the Accreditation Committee

The Accreditation Committee shall generally, in the conduct of examinations—

- (a) provide proper training of persons to be registered and licensed;
- (b) prepare syllabuses of instruction and training courses for persons seeking registration under the Act;
- (c) prepare and conduct examinations for persons seeking registration under the Act;
- (d) charge the appropriate examination fees in consultation with the Council of the Institute;
- (e) prepare regulations to be made by the Institute regarding the standard of proficiency to be gained in each examination for a diploma, degree or other award;
- (f) develop regulations for internship programmes for students of nutrition and dietetics during pre-service training;
- (g) set up quality assurance units to generally carry out broad perspectives of quality management systems;
- (h) develop standards for training institutions for purposes of accreditation and licensing;
- (i) engage inspectors for various functions of the Committee who shall serve on such terms and conditions as the Council may determine from time to time;
- (j) participate actively in the committees of food and drugs authority within the Health Act (Cap. 241);
- (k) review the authenticity and appropriateness of documents to be presented for purposes of examination, internship, registration and licensing;
- (l) spearhead systems audits and certification of processes of the Institute;
- (m) register and license persons qualified to be registered under this Act;
- (n) prepare a list of professionals to be deregistered by the Institute in accordance with this Act;
- (o) keep a register of all registered members;

Nutritionists and Dieticians

- (p) keep a register of all licensed and retained professionals; and
- (q) carry out the indexing of students enrolled in various institutions and monitor their progression.

[Act No. 5 of 2019, Sch.]

14.

[Deleted by Act No. 5 of 2019, Sch.]

15.

[Deleted Act No. 5 of 2019, Sch.]

16. Persons entitled to be registered

A person shall be entitled to registration if he satisfies the Council that he is of good conduct and has paid the registration fee and—

- (a) has attained the age of 18 years;
- (b) has successfully undergone a certificate, diploma or degree course of instruction and has passed the appropriate examinations conducted or prescribed by the Institute; or
- (c) has passed the professional examination set by the Accreditation Committee of the Council.

[Act No. 5 of 2019, Sch.]

17. Registration of nutritionists and dieticians

(1) A person eligible to be registered as a nutritionist or dietician shall apply in the prescribed form to the Chief Executive Officer, and the application shall be accompanied by the prescribed fee.

(2) Where a person has complied with the provisions of section 16 and has been accepted by the Council as being eligible for registration, such person shall be registered.

[Act No. 5 of 2019, Sch.]

18. Certificate of registration

The Institute shall issue to every person registered under this Act, a certificate in the prescribed form.

19. Deregistration

(1) The Council may at any time direct that the name of a person be removed from the register where such person—

- (a) fails within a period of six months from the date of an inquiry sent by the Chief Executive Officer by registered post to the address appearing in the register against such person's name, to notify the Chief Executive Officer of his current address;
- (b) requests that his name be removed from the register, in which case such person may be required to satisfy the Council by an affidavit lodged with the Chief Executive Officer that no criminal proceedings under this Act have been instituted or are likely to be instituted against him; or
- (c) is found by the Council to be guilty of professional misconduct in accordance with this Act.

(2) The Chief Executive Officer shall remove from the register any entry which has been incorrectly or fraudulently made.

(3) Subject to the provisions of this Act, the removal of a person's name from the register shall be notified by the Chief Executive Officer to the person by registered mail addressed to the address appearing in the register against his name immediately before such removal.

(4) Where the name of any person has been removed from the register under this Act, such name shall not be reinstated except by direction of the Council.

(5) The Chief Executive Officer shall from time to time update the register, removing from it the names of any deceased members and degazetting them.

[Act No. 5 of 2019, Sch.]

20. Restoration of name

Where the name of any person has been removed from the register the Council may, either of its own motion or on the application of the person concerned made in the prescribed manner, and in either case after holding such inquiry as the Council thinks fit, direct—

- (a) that the removal of such person's name from the register be confirmed; or
- (b) that the name of the person be restored in the register.

21. Appeal against Order of the Council

(1) Any person aggrieved by a decision of the Council may appeal to the High Court within thirty days of notification of the decision.

(2) The Council may appear as respondent and be heard at any application against its decision.

[Act No. 5 of 2019, Sch.]

22. Licensing

(1) No person shall engage in private practice unless he has been issued with a valid licence to practice.

(2) The Institute may issue to a nutritionist or dietician who has applied in the prescribed form, a license to practice on his or her own behalf or to be employed by a registered nutritionist or dietician.

(3) The Institute shall grant a licence to a nutritionist or dietician on payment of the prescribed fee, and shall state whether the licensee may practise on his own behalf or on employment.

23. Qualification for practice on own behalf

(1) Notwithstanding, that a nutritionist or dietician has been issued with a license under this Act, he shall not engage in practice on his own behalf, either full time or part-time, unless he has practised in Kenya continuously on a full-time basis for a period of not less than two years after being registered –

- (a) in a salaried post, either as an employee in the Government of Kenya as a nutritionist or dietician, or
- (b) in an organization approved by the Institute, or
- (c) as an employee of a nutritionist or dietician who has been engaged in a continuous full-time private practice on his own behalf in Kenya for a period of not less than five years.

(2) The person employing a nutritionist or dietician under this section shall in the prescribed form notify the Institute of the commencement and termination of employment of such person.

24. Validity of licence

(1) After the expiry of twelve months from the commencement of this Act, no person shall engage in the practice of nutrition and dietetics practice unless he has been duly issued with a registration certificate and a practicing license by the Institute in accordance with this Act.

(2) A license granted under this Act shall be valid for one year.

(3) On expiry, a license may be renewed for such further period, not exceeding one year.

(4) Where a license expires and is not renewed for a period of one year, the name of the holder of the licence shall be removed from the appropriate record.

Discipline

25. Establishment of the Disciplinary Committee

(1) There is hereby established a committee to be known as the Disciplinary Committee of the Institute.

(2) The Committee shall consist of—

- (a) a Chairperson appointed by the Council as per the First Schedule who shall be a qualified nutritionist or dietician with at least ten years' experience;
- (b) an advocate of the High Court with at least seven years' experience appointed by the Council;
- (c) one member of the Accreditation Committee;
- (d) two members who shall be qualified nutritionists or dieticians with at least five years' experience elected by the Council; and
- (e) the Chairperson of the Accreditation Committee.

(2A) The quorum for the meetings of the Disciplinary Committee shall be four which shall include at least the chairperson or vice-chairperson.

(2B) The members of the Disciplinary Committee shall be paid such allowances as may from time to time be determined by the Council in consultation with the Salaries and Remuneration Commission.

(3) The Corporation Secretary of the Institute shall be the Secretary of the Disciplinary Committee but shall not have voting power.

(4) The Disciplinary Committee shall receive and investigate complaints against nutritionists and dieticians in accordance with the rules and regulations under this Act.

(5) Subject to this Act the Disciplinary Committee shall regulate its own procedures.

(6) The Disciplinary Committee shall develop its Standard Operating Procedures which shall be adopted by the Committee for proper discharge of duties.

[Act No. 5 of 2019, Sch.]

26. Disciplinary Powers of the Committee

(1) The Disciplinary Committee may order the removal from the register, suspension of registration or revocation of the practicing license of a practitioner or the imposition of a fine on a practitioner as may be prescribed by the Council if that practitioner—

- (a) has been convicted an offence punishable by imprisonment, the commission of which in the opinion of the Institute has dishonored him in the public estimation;
- (b) has been guilty of negligence or malpractice in respect of his profession; or
- (c) has been guilty of impropriety or misconduct, whether in respect of his profession or not

(2) Upon an inquiry held by the committee, the person whose conduct is being inquired into shall be afforded an opportunity of being heard either in person or through an advocate.

(3) For the purposes of proceedings at any inquiry held by the disciplinary committee, the committee may administer oaths, and may subject to any regulation made under this Act, enforce attendance of persons as witnesses and the production of books and documents.

(4) Any person whose name has been removed from the register or whose license has been suspended shall forthwith surrender to the Institute his certificate of registration or license, and any person who fails to do so commits an offence.

(5) Any person aggrieved by the decision of the committee within 14 days from the date of the decision, appeal to the High Court.

PART IV – FINANCIAL PROVISIONS**27. Funds of the Institute**

The funds of the Institute shall comprise—

- (a) such moneys as may accrue to or vest in the Institute in the course of the exercise of its powers or performance of its functions under this Act or under any other written law;
- (b) all moneys from any other source provided for, donated or lent to the Institute; and
- (c) *Deleted by Act No. 5 of 2019, Sch.*

[Act No. 5 of 2019, Sch.]

27A. Establishment of General Fund

(1) There is established a Fund of the Institute to be known as the General Fund.

(2) The Fund shall vest in the Institute and shall be administered by the Council through the Chief Executive Officer.

(3) The Fund shall consist of—

- (a) all monies received as subventions, grants or donations to the Fund;
- (b) monies earned or arising from any investment of the Fund;
- (c) foreign aid and assistance from bilateral and multilateral agencies; and

- (d) all other sums which may, in any manner become lawfully payable to, received by or vested in the Institute relating to any matter incidental to its duties and functions under this Act.

[Act No. 5 of 2019, Sch.]

28. Investment

The Institute may—

- (a) invest any of its surplus funds in Government securities; or
- (b) place on deposit with any bank quoted on an approved securities exchange in Kenya any monies not immediately required for its purposes.

29. Financial year of the Institute

The financial year of the Institute shall be the period of twelve months ending on the thirtieth of June in each year.

30. Annual estimates

(1) The annual estimates of the Institute shall provide for—

- (a) the payment of salaries, allowances and other charges in respect of the members of the Council, the Chief Executive Officer, the Corporation Secretary and the staff of the Institute;
- (b) the payment of pensions, gratuities and other charges in respect of the members of the Council, the Chief Executive Officer, the Corporation Secretary and the staff of the Institute;
- (c) the proper maintenance of the premises of the Institute;
- (d) the maintenance, repair and replacement of the equipment and other property of the Institute; and
- (e) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Institute may deem appropriate.

(2) The annual estimates shall be approved by the Institute before the commencement of the financial year to which they relate:

Provided that the amounts in estimates shall not be increased before the prior consent of the Institute.

(3) The Institute shall keep all proper books and records of accounts of the income, expenditure, assets and liabilities of the Institute.

(4) Within a period of four months after the end of every financial year, the Council shall submit to the members of the Institute at an Annual General Meeting or Special General Meeting convened for that purpose the audited accounts of the Institute together with—

- (a) a statement of the income and expenditure of the Institute for that year; and
- (b) a statement of the assets and liabilities of the Institute as at the last day of that year.

(5) The annual accounts of the Council shall be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 229 of the Constitution and the law relating to public audit.

[Act No. 5 of 2019, Sch.]

31.

[Deleted by Act No. 5 of 2019, Sch.]

PART V – MISCELLANEOUS PROVISIONS

32. Offences by persons not eligible to be registered or licensed

(1) Any person who, not being eligible to be registered persons or licensed under this Act, uses any title appropriate to a person so registered or licensed, or holds himself out directly or indirectly as being so registered or licensed, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

(2) Any person who, not being eligible to be registered or licensed under the Act, practices for gain as a nutritionist or dietician, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

33. Offences by person eligible to be registered or licensed

Any person who, though eligible to be registered or licensed under this Act, is not so registered or licensed but practices as a nutritionist or dietician commits an offence is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

34. Offences by persons conducting training courses or examinations without authority

Any person, being in-charge of a training institution which is not approved by the Institute as an institution for the training of persons seeking registration under this Act, who—

- (a) admits to the institution under his charge any person for the purpose of training in nutrition and dietetics;
- (b) purports to be conducting courses of training or examination under this Act or regulations made there under;
- (c) issues any document, statement, certificate or seal implying that the holder thereof has undergone a course of instruction or has passed an examination prescribed by the Institute; and
- (d) issues any document, statement or seal implying that the institution under his charge is approved by the Institute as an institution for training of persons seeking registration under this Act,

commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.

35. Examination offences

Any person who—

- (a) gains access to examinations material and knowingly reveals the contents, whether orally, in writing or through any other form, to an unauthorized party, whether a candidate or not;

- (b) willfully and maliciously damages examinations materials; or
- (c) not being registered to take a particular Board examination, but with intent to impersonate, presents or attempts to present himself to take the part of an enrolled candidate;
- (d) presents a forged certificate to a prospective employer or to an institution of learning with intent to gain employment or admission; or whether being a candidate or not,
- (e) introduces unauthorized materials in the examinations room whether in writing or in any other form,

commits an offence and shall be liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding one hundred thousand Kenya shillings or to both such imprisonment and fine.

36. Employment of unregistered staff

(1) Any person who employs another person as a nutritionist or dietician while that other person is not registered or licensed under this Act, commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.

(2) Any person who markets food and nutrition supplements without analysis, certification and registration by the Council commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years, or both.

37. Falsification of registers or records

Any person who willfully makes or causes to be made any false entry in, or falsification of, any register or record kept under this Act, or who presents or attempts to present himself or any other person to be registered or licensed under this Act by making or producing or causing to be made or produced false or fraudulent representation or declaration, either orally or in writing, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

38. Regulations

The Institute may, with the approval of the Minister, make regulations generally for the better carrying out of the provisions of this Act, and without prejudice to the generality of the foregoing, may make regulations for—

- (a) the form and method of keeping the registers and records under this Act;
- (b) the conditions of admission to the registers and of the issue of licences;
- (c) the manner in which the training of the persons for whom provision is made in this Act is regulated;
- (d) the subject matter of training courses and examinations to be conducted by the Institute;
- (e) the conditions for admission for entry into training courses and examinations to be conducted by the Institute;
- (f) the standards and conditions of professional practice of persons registered or licensed under this Act;

- (g) the fees payable in respect of examinations registration, issue of licenses, and in respect of other matters under this Act; and
- (h) any other matter that may be necessary for the proper administration of the Act.

[Act No. 5 of 2019, Sch.]

39.

[Deleted by Act No. 5 of 2019, Sch.]

FIRST SCHEDULE

[s. 5(8)]

MEETINGS OF THE INSTITUTE

- 1.(1) The Annual General Meeting of the Institute shall be convened by the Council within the first quarter of every financial year by giving every professional of the Institute in good standing a written notice—
 - (a) stating the place where and the day and hour when the meeting is to be held; and
 - (b) indicating the business which is proposed to be transacted at the meeting.
- (2) A notice of a meeting shall be given, not less than fourteen days before the date on which it is to be held, to each member of the Institute by posting the notice to the address of the member last known to the Institute, or by handing the notice to the member in person.
- (3) The validity of any proceedings of the Institute shall not be affected by any failure to comply with the requirement of subparagraph (2) of this paragraph unless it is proved that the failure so to comply in relation to any member was a deliberate failure.
- 2.(1) The chairperson shall preside at all meetings of the Institute at which he or she is present.
- (2) At a meeting of the Institute at which the chairperson is not present, the members shall choose one of the Council members to preside over the meeting.
- 3.(1) Subject to this paragraph, the quorum at a meeting of the Institute shall be one-third of the members.
- (2) No business shall be transacted at a meeting of the Institute unless the business is indicated in the notice of the meeting as business which it is proposed to transact.
- (3) The minutes of the proceedings at meetings of the Institute shall be kept in such a manner as the chairperson or in his or her absence the person presiding at a particular meeting, directs.
- (4) The person presiding at a meeting of the Institute may adjourn the meeting from time to time and from place to place, with the consent of the members.
- 4.(1) Any question arising at a meeting shall be determined by the majority of the members of the Institute voting on the question.
- (2) The voting on any question shall be by a show of hands unless, before the declaration of the result of the voting by the hands, a ballot is demanded—
 - (a) by the person presiding at the meeting; or

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- (b) by at least two thirds of the members present, in which event the question shall be determined by a ballot taken in such manner as the person presiding at the meeting directs.
- (3) The person presiding at a meeting of the Institute shall have a deliberative vote, and, in the event of an equality of votes, shall have a casting vote.
- (4) A declaration by the person presiding at a meeting of the Institute that a resolution has or has not been carried and an entry to that effect in the minutes of the meetings shall be evidence of that fact.
- 5.** At least four months before expiry of the term of the Council, an Annual General Meeting or Special General Meeting shall be convened by the Council for professionals to nominate three qualified members for possible appointment of one of them as the chairperson of the Council as follows—
- (a) three persons shall be competitively nominated by professionals through an election and the names forwarded to the Cabinet Secretary for appointment;
- (b) other positions of the Council shall be filled as guided by section 5 and regulations;
- (c) such positions shall be confirmed and minutes taken during the Annual General Meeting;
- (d) for purposes of continuity, half of the members of the Council shall remain in office for one more term.
- 6.(1)** A person who holds the office of Chairperson may resign from the office by writing a letter addressed to the Council.
- (2) On the advice of the Council, the members of the Institute may appoint a person to act as chairperson during a special general meeting convened for that purpose—
- (a) during a vacancy in the office of Chairperson; or
- (b) during any period when the Chairperson is for any reason unable to exercise and perform the functions of his or her office.
- (3) The appointment of a person to act as Chairperson ceases to have effect if—
- (a) made during a vacancy in the office of chairperson, when the vacancy ends by the election of a Chairperson;
- (b) the person appointed resigns from the office in writing to the Council; or
- (c) the Council revokes the appointment under subparagraph (2) of paragraph 2.

SECOND SCHEDULE

[s. 39]

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Deleted by Act No. 5 of 2019, Sch.
