

An Act of Parliament to establish the Kenya Medical Training College as a self-governing institution and to provide for its government, control and management and for connected purposes

ENACTED by the Parliament of Kenya as follows:—

PART I—PRELIMINARY

1. This Act may be cited as the Kenya Medical Training College Act, 1990 and shall come into operation on such date as the Minister may by notice in the Gazette appoint.

2. In this Act, unless the context otherwise requires—
“Academic Board” means the Academic Board of the College established under section 11;

“Alumni Association” means the Alumni Association of the College established under section 12;

“Board of management” means the College Board of management established under section 9;

“College” means the Kenya Medical Training College established under section 3;

“constituent training centre” means a constituent training centre of the College specified in the Schedule and any other centre or institution declared to be a constituent training centre of the College under section 3 (1) (b);

“Deputy Principal” means a Deputy Principal of the College appointed under section 8;

“faculty” means a faculty of the College established under section 5 (2);

“graduate” means a person upon whom a diploma or certificate has been conferred by the College;

“Principal” means the Principal of the College appointed under section 8;

“statutes” means the statutes made by the Board of management under section 19.

PART II—ESTABLISHMENT AND FUNCTIONS OF THE COLLEGE

3. (1) There shall be established a College which shall be the successor to the Government in respect of the institution hitherto known as the College of Health Professions, Nairobi, and which shall include—

(a) the medical training centres specified in the Schedule; and

(b) such other institutions as the Minister may, from time to time in consultation with the Board of management, by notice in the Gazette, declare to be constituent training centres of the College.

(2) The College shall be a body corporate by the name of the Kenya Medical Training College with perpetual succession and a common seal, and shall, in that name be capable of—

(a) suing and being sued;

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

(c) borrowing and lending money; and

(d) doing or performing all such other things or acts, including entering into such contracts as may be necessary or expedient for the furtherance of the provisions of this Act which may lawfully be done by a body corporate.

(3) The headquarters of the College shall be in Nairobi.

4. (1) The Common seal of the College shall be kept in such custody as the Board of management directs and shall not be used except by the order of the Board of management.

(2) The common seal of the College shall be authenticated by the signature of the Principal, or of any other member of the Board of management duly authorized by the Board of management in that behalf.

(3) The common seal of the College when affixed to any document and authenticated under this section shall be judicially and officially noticed, and unless the contrary is proved, any necessary order or authorization of the Board of management shall be presumed to have been duly given.

Establishment and incorporation of the College.

Common seal and signification of documents.

Short title and commencement.

Interpretation.

Functions of
the College.

5. (1) The objects and functions of the College shall be—

- (a) to provide facilities for college education for national health manpower requirements, in addition to facilities provided by universities, other colleges, or schools or institutions;
- (b) to play an effective role in the development and expansion of opportunities for Kenyans wishing to continue with their education in the disciplines approved by the Academic Board;
- (c) to provide consultancy services in health related areas;
- (d) to develop health trainers who can effectively teach, conduct operational research, develop relevant and usable health learning materials and manage health training institutions;
- (e) to undertake research in disciplines and matters approved by the Academic Board either directly or through the medium of connected universities, or other colleges, schools or institutions;
- (f) to conduct examinations for and to grant diplomas, certificates, and other awards of the College;
- (g) to determine who may teach and what may be taught and how it may be taught in the College;
- (h) to examine and make proposals for the establishment of constituent training centres and faculties.

(2) For the better carrying out of the functions and objects of the College, the Board of management may establish faculties of the College.

Admission to
the College.

6. Admission to the College as candidates for diplomas, certificates or other awards shall be open to all persons accepted as being qualified by the Academic Board, without distinction of race, tribe, place of origin or residence or other local connections, political opinion, colour, creed or sex; and no barrier based on any such distinction shall be imposed upon any person as a condition of his becoming, or continuing to be a lecturer, graduate, or student of the College, or of his holding office in the College, nor shall any preference be given to, or advantage be withheld from, any person on the grounds of any such distinction.

PART III—MEMBERSHIP AND GOVERNMENT OF THE COLLEGE

7. The members of the College shall be —

Membership of
the College.

- (a) the Principal;
- (b) the Deputy Principals;
- (c) the head of each constituent training centre;
- (d) the members of the Board of management;
- (e) the members of the Academic Board;
- (f) the lecturers and tutors;
- (g) the librarian;
- (h) the students;
- (i) the Alumni Association;
- (j) such other members of the staff of the College or any other body formally admitted into association with the College as the Board of management may from time to time determine.

8. (1) There shall be a Principal of the College who shall be appointed by the Minister on the advice of the Board of management.

The Principal
and Deputy
Principals.

(2) The Principal shall be the chief executive of the College and shall—

- (a) have overall responsibility for the direction, organization, administration and programmes of the College;
- (b) be the chairman of the Academic Board; and
- (c) be responsible to the Board of management for the general conduct and discipline of the staff and students.

(3) The Board of management shall, after consultation with the Academic Board, appoint two Deputy Principals from among the lecturers of the College to assist the Principal, one in the academic matters of the College and the other in administration matters including the administration of the College funds and assets.

(4) The Principal and Deputy Principals shall hold office upon such terms and for such period as may be provided by the statutes and upon the expiration of the period shall be eligible for re-appointment.

(5) The Board of management shall appoint one of the Deputy Principals appointed under subsection (3) to be the secretary to the Board of management and the Academic Board.

The Board of management.

9. (1) There shall be a Board of management of the College which shall consist of—

- (a) a chairman, vice-chairman and an honorary treasurer all of whom shall be appointed by the President;
- (b) the Director of Medical Services;
- (c) the Principal;
- (d) the Permanent Secretaries in the Ministries for the time being responsible for—
 - (i) health,
 - (ii) finance, and
 - (iii) education;
- (e) the Chief Nursing Officer;
- (f) the Director of Personnel Management;
- (g) the Director, Kenyatta National Hospital;
- (h) the Principal, College of Health Sciences at the University of Nairobi;
- (i) the Director, Kenya Medical Research Institute;
- (j) two representatives of the constituent training centres appointed by the Minister;
- (k) not more than three persons co-opted by the Board of management from time to time, not being public officers or employees of the College, to represent the public interest.

(2) Subject to subsection (3), a member of the Board of management, other than an *ex officio* member, shall hold office for a period of three years from the date of appointment specified in the instrument of appointment, but shall be eligible for re-appointment.

(3) The office of a member of the Board of management shall become vacant—

- (a) if, not being an *ex officio* member—
 - (i) he resigns his office by writing under his hand addressed to the Principal;

- (ii) he is convicted of an offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding two thousand shillings;
- (iii) he is absent, without permission of the Board of management, from three consecutive meetings;

(b) if the Board of Management is satisfied that such member is, by reason of physical or mental infirmity, unable to exercise the functions of his office;

(c) upon death.

(4) Where the office of a member of the Board of management becomes vacant under subsection (3), the Principal shall forthwith notify the vacancy to the appropriate appointing body or person.

(5) The procedure and the conduct and regulation of the affairs of the Board of management shall be regulated by the statutes.

10. (1) Subject to this Act and without prejudice to any written law, trust, deed or other instrument, or power by or under which a constituent training centre is established, the government, control and administration of the College shall be vested in the Board of management.

Functions of the Board of management

(2) Notwithstanding subsection (1), the Board of management shall have power—

- (a) to administer the property and funds of the College, other than property and funds of a constituent training centre, in a manner and for purposes which shall promote the best interests of the College; but the Board of management shall not charge or dispose of immovable property of the College except in accordance with the procedures laid down by the State Corporations Advisory Committee established under the State Corporations Act;
- (b) to receive, on behalf of the College or a constituent training centre, gifts, donations, grants or other moneys and to make disbursements therefrom to the constituent training centres or other bodies or persons;
- (c) with the approval of the Minister, to determine the scales of fees payable by or in respect of students

Cap. 446.

at the College and to prescribe the conditions under which fees may be remitted in whole or in part;

- (d) to provide for the welfare of the students of the College;
- (e) to enter into association with universities, other colleges and other institutions of learning whether within Kenya or otherwise, as the Board of management may deem necessary and appropriate;
- (f) to make, after consultation with the Academic Board, regulations governing the conduct and discipline of students of the College.

The Academic Board.

11. (1) There shall be an Academic Board of the College which shall consist of—

- (a) the Principal, who shall be the chairman of the Academic Board;
- (b) the Deputy Principals;
- (c) the heads of the faculties of the College;
- (d) the head of each constituent training centre;
- (e) two members of the academic staff of the College, not being members of the Academic Board under any other provisions of this subsection, elected by the College Staff Association;
- (h) two student members elected by the student body of the College; except that the student members shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the Principal to be confidential and which relate to examinations, the general discipline of students and other related matters.

(2) The Academic Board shall have the following powers—

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any diploma, certificate or other award of the College, and to report its findings to the Board of management;
- (b) to propose regulations to be made by the Board of management regarding the standard of proficiency to be gained in each examination for a diploma, certificate or other award;

- (c) to decide which persons have attained such standard of proficiency or are otherwise fit to be granted the diploma, certificate or other award;
- (d) to initiate proposals relating to the conduct of the College generally, and to discuss any matter relating to the College, including the establishment of faculties or training programmes, and make representations thereon to the Board of management;
- (e) to make regulations governing such other matters as are within its powers in accordance with the provisions of this Act or the statutes.

(3) Notwithstanding any other provision of this Act, the Board of management shall not initiate any action in respect of any of the matters mentioned in paragraphs (a), (b) or (c) of subsection (2) except upon receipt of a report or proposal of the Academic Board thereunder, and the Board of management shall not reject any such report or reject or amend any regulations so proposed without further reference to the Academic Board.

(4) Notwithstanding the provisions of subsection (2), the training, registration, enrolment and licensing of nurses shall be governed by the provisions of the Nurses Act.

Cap. 257.

12. (1) There shall be an Alumni Association of the College which shall consist of the past and future graduates of the College and such other persons as may be prescribed by the statutes.

The Alumni Association.

(2) The Alumni Association shall have the right to meet and discuss any matter relating to the College and to transmit resolutions thereon to the Board of management and the Academic Board, and may exercise such other functions as the statutes may prescribe.

13. (1) The academic staff of the College shall consist of the Principal, the Deputy Principals, the Librarian and all members of staff who are engaged in teaching or research.

The staff of the College.

(2) The administrative staff of the College shall consist of a finance officer and such other members of the staff, not being engaged in teaching or research, as the Board of management may from time to time, determine.

(3) All the members of the staff of the College shall, subject to this Act, be appointed by the Board of management, and shall be so appointed either—

(a) upon such terms and conditions of service as may be prescribed by the statutes; or

(b) in the case of an officer seconded from the service of any university, university college or similar institution, any other college, the Government or any other public service or service of a state corporation, on such terms and conditions as may be agreed between the Board of management and the seconding body.

(4) The Board of management may, subject to such restrictions, if any, as it may impose, delegate, either generally or specially, to any person or committee, the power to appoint any member of the staff of the College.

(5) All members of the staff of the College shall

(a) be subject to the general authority of the Board of management and of the Principal;

(b) be deemed to be employed on a full-time basis unless specifically provided by the statutes or by the terms of a particular appointment.

(6) There may be established with the approval of the Board of management a College staff Association.

Performance of
functions in
absence of
office holders.

14. (1) In the event of the incapacity of the Principal, the functions of the Principal may during the incapacity be performed by the Deputy Principal appointed for the purpose by the Board of management.

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principal, the Minister, after consultation with the chairman of the Board of management, may appoint a member of the academic staff of the College to perform the functions of the Principal during such incapacity.

(3) In the event of the incapacity of any member of the college, other than the Principal, the Principal may appoint a suitable person to perform the functions of the member during the incapacity.

(4) In this section "incapacity" means absence from Kenya or inability for any other reason to perform the functions of the office concerned.

PART IV—FINANCIAL PROVISIONS

15. The financial year of the College shall be the period of twelve months commencing on the 1st July and ending on the 30th June in the next succeeding year.

Financial year

16. (1) The Board of management may invest any of the funds of the College in securities in which for the time being trustees may by law invest trust funds or in any other securities which the Treasury may from time to time approve for the purpose.

Investment of
funds.

(2) The Board of management may place on deposit with such bank or banks as it may determine any moneys not immediately required for the purposes of the College.

17. (1) Before the commencement of a financial year, the Board of management shall cause to be prepared estimates of the revenue and expenditure of the College for that year.

Annual
estimates.

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

(a) for the payment of the salaries, allowances and other charges in respect of the staff of the College;

(b) for the payment of the pensions, gratuities and other charges in respect of the retirement benefits which are payable out of the funds of the College;

(c) for the proper maintenance of the buildings and grounds of the College;

(d) for the proper maintenance, repair and replacement of the equipment and other movable property of the College;

(e) for the funding of the cost of teaching and research activities of and in the College;

(f) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of buildings or equipment and in respect of such other matters as the Board of management may think fit.

(3) Annual estimates shall be approved by the Board of management before the commencement of the financial year to which they relate, and shall be submitted to the Minister for approval and after the Minister has given his approval the Board of management shall not increase any sum provided in the estimates without the consent of the Minister.

(4) No expenditure shall be incurred for the purposes of the College except in accordance with the annual estimates approved under subsection (3) or in pursuance of an authorization of the Board of management given with the prior approval of the Minister.

Accounts
and audit.

18. (1) The Board of management shall cause to be kept all proper books and records of account of the income, expenditure and assets of the College.

(2) Within a period of three months from the end of each financial year, the Board of management shall submit to the Auditor-General (Corporations) the accounts of the College together with—

- (a) a statement of income and expenditure during the year; and
- (b) a statement of the assets and liabilities of the College on the last day of that year.

(3) The accounts of the College shall be audited and reported on annually by the Auditor-General (Corporations) in accordance with Part VII of the Exchequer and Audit Act.

Cap. 412.

(4) The expenses of and incidental to the auditing of the accounts of the College shall be borne by the College.

PART V—MISCELLANEOUS PROVISIONS

Statutes.

19. (1) In the performance of its functions under this Act, the Board of management shall, subject to this Act, make statutes generally for the government, control and administration of the College and for the better carrying into effect of the purposes of this Act, and in particular for—

- (a) the establishment of faculties, institutes and schools of the College;
- (b) the description of diplomas, certificates and other academic qualifications;

- (c) the requirements for the award of diplomas, certificates and other academic qualifications;
- (d) the conduct of examinations;
- (e) prescribing fees and boarding charges;
- (f) settling the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the College;
- (g) the constitution and procedure of meetings of the Board of management and the establishment, composition and terms of reference of committees of the Board of management;
- (h) prescribing the rules and regulations for the students' association.

(2) Notwithstanding subsection (1), the Board of management shall not make, amend or revoke any statutes relating to the functions and privileges of the Principal or the Academic Board without first ascertaining the opinion of the Academic Board.

(3) Statutes shall only be made by resolution passed at a meeting of the Board of management supported by a majority of not less than three-fourths of the members present and voting being not less than half of the total membership of the Board of management.

(4) Statutes or regulations made by the Board of management under this Act shall not be published in the Gazette but shall be brought to the attention of all persons affected or likely to be affected by them.

20. (1) Notwithstanding any other written law, no public officer performing functions relating to the registration of companies or business names shall accept for registration any name which includes together with the word "College" the words "Kenya Medical Training" or the words "Medical Training" unless the application for the registration is accompanied by the written consent of the Board of management.

Protection
of name.

(2) Any person who, except with the written consent of the Board of management, uses the words "College" together with the "Kenya Medical Training" or the words "Medical

Training" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling or profession shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

21. The Minister may in consultation with the Board of management, by notice in the Gazette, amend the Schedule,

22. (1) The funds, assets and other movable and immovable property held by the Government for and on behalf of the institution hitherto known as the College of Health Professions, Nairobi, shall be vested in the College.

(2) Every public officer employed to effect or amend any entry in any register relating to property, or to issue or amend any certificate, or other document affecting or evidencing title to property shall do everything necessary under the law to transfer any property vested in the College by this paragraph.

(3) All rights, powers, liabilities and duties whether arising under any written law or otherwise, vested in, imposed on, or enforceable by or against the Government for or in respect of the institution hitherto known as the College of Health Professions, Nairobi, shall be transferred to, vested in, imposed on or enforceable by or against the College.

(4) Any action, suit or legal arbitration proceedings, or any application to any authority, by or against the Government for or in respect of the College of Health Professions, Nairobi, shall not abate or be discontinued or be prejudicially affected because of this Act but may be prosecuted or continued by or against the College, and any judgement or award obtained by or against the Government for or in respect of the College of Health Professions, Nairobi, and not fully satisfied shall be enforceable by or against the College.

(5) In any legal or arbitration proceedings concerning any right or liability transferred to or vested in the College by this Act, a certificate by the accounting officer of the Ministry for the time being responsible for matters relating to health that the right or liability has been so transferred or vested shall be *prima facie* evidence thereof.

Amendment of Schedules.

Transitional provisions.

(6) Any reference in any written law, or in any document or any instrument, to the Government, for or in respect of the former College of Health Professions, Nairobi, shall be read and construed as a reference to the College established by this Act.

(7) All directions, orders, rules, appointments, requirements, authorizations and any other things made or done by the Government for or in respect of the College of Health Professions, Nairobi, shall be deemed to have been given, made or done by the College.

(8) Unless the Board of management otherwise directs, all persons who are members of the staff of the College of Health Professions, Nairobi, immediately before coming into operation of this Act, shall be members of staff of the College if they so desire and shall be deemed to have been appointed under this Act on the terms and conditions of service applicable to them immediately before the coming into operation of this Act.

(9) Unless the Board of management otherwise directs, the faculties of the College of Health Professions, Nairobi, existing immediately before the commencement of this Act shall be deemed to be the faculties of the College established under section 5 (2).

23. Section 3 (1) of the Clinical Officers (Training, Registration and Licensing) Act, 1988 is amended by deleting paragraph (e) and inserting—

(e) one clinical officer nominated by the Faculty of Clinical Medicine at the Kenya Medical Training College.

Amendment to Act No. 9 of 1988.

SCHEDULE

CONSTITUENT TRAINING CENTRES

1. The Medical Training Centres established by the Government at—

- (a) Mombasa.
- (b) Machakos.
- (c) Embu.
- (d) Meru.
- (e) Nyeri.

- (f) Murang'a.
- (g) Thika.
- (h) Garissa.
- (i) Nakuru.
- (j) Eldoret.
- (k) Kakamega.
- (l) Kisumu.
- (m) Kisii.
- (n) Homa Bay.
- (o) Karen, Nairobi.
- (p) Mathari Hospital, Nairobi.

2. The Hospital Maintenance Schools established by the Government at—

- (a) Meru.
- (b) Eldoret.
- (c) Kilifi.
- (d) Loitokitok.

3. The School of Clinical Medicine at Port Reitz, Mombasa.
