

THE KENYA NATIONAL LIBRARY SERVICE BOARD ACT, 1965

No. 23 of 1965

Date of Assent: 17th August 1965

Date of Commencement: By Notice ... 1965 (L.N. 74/6)

ARRANGEMENT OF SECTIONS

Section

- 1—Short title and commencement.
- 2—Interpretation.
- 3—Establishment of Board.
- 4—Functions of Board.
- 5—Report by Board.
- 6—Appointment of Chief Librarian and other staff.
- 7—Funds of Board.
- 8—Investment.
- 9—Accounts and audit.
- 10—Execution of documents.
- 11—Regulations.

SCHEDULE.

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

ENACTED by the Parliament of Kenya, as follows:—

1. This Act may be cited as the Kenya National Library Service Board Act, 1965, and shall come into operation on such date as the Minister may by notice in the Gazette appoint.

Short title and
commencement

2. In this Act, unless the context otherwise requires—

Interpretation.

“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:

Provided that the first financial year of the Board shall commence on the date of coming into operation of this Act and shall end on the thirtieth day of June 1965;

Establishment
of Board.

3. (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 Minister may, on the advice of the Board, by notice in the Gazette, amend the Schedule to this Act.

Functions
of Board.

4. (1) The functions of the Board shall be to promote, establish, equip, manage, maintain and develop libraries in Kenya.

(2) The Board shall have power, for the purpose of carrying out its functions, to do all such acts as appear to it to be necessary, desirable, advantageous or convenient for or in connexion with the carrying out of its functions or to be incidental or conducive to their proper discharge, and may carry on any activities in that behalf either alone or in association with any other person or body (including the Government or a local authority).

(3) For the avoidance of doubt it is hereby declared that the provisions of subsection (2) of this section with respect to the powers of the Board relate only to its capacity as a body corporate and nothing in that subsection shall authorize the disregard by the Board of any rule of law.

Report by
Board.

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

6. (1) The Board may appoint a person to be or to act as Chief Librarian and Chief Executive Officer of the Kenya National Library Service Board, who shall be entitled to be present and to speak (but not to vote) at meetings of the Board:

Appointment
of Chief
Librarian and
other staff.

Provided that the appointment of such Chief Librarian and Chief Executive Officer, and his terms and conditions of service shall be subject to the approval of the Minister.

(2) The Board may, from time to time, appoint on such terms and conditions as it may think fit, such officers, clerks and servants as it may consider necessary for carrying out its functions under this Act.

7. The funds and resources of the Board shall consist of—

Funds of
Board.

(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. (1) The Board may, with the approval of the Minister, 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.

Investment.

(2) The powers of the Minister under this section shall be exercised with the concurrence of the Minister 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 Minister's approval may be either general or limited to a particular investment.

9. (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 Minister, being a form which conforms with the best commercial standards.

Accounts
and audit.

Cap. 412.

(2) Subject to any resolution of the National Assembly under section 26 of the Exchequer and Audit Act, the accounts of the Board shall be audited by auditors appointed annually by the Minister.

(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 Minister 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 Minister 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.

Execution of documents.

10. (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.

Regulations.

11. The Minister, 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

(s. 3 (2))

CONSTITUTION AND PROCEEDINGS OF THE BOARD

1. (1) The Board shall consist of the following members appointed by the Minister— Constitution.

- (a) a representative from the Ministry for the time being responsible for social services;
- (b) a representative from the Ministry for the time being responsible for local government;
- (c) a representative from the Ministry for the time being responsible for education;
- (d) a representative from the University College, Nairobi;
- (e) a representative from the Nairobi City Council;
- (f) a representative from each Province.
- (g) not more than three such other persons as the Minister may in his discretion determine.

(2) The Minister may appoint any member to be Chairman of the Board, and the Board may elect any member to be Vice-Chairman of the Board.

(3) A member of the Board shall, unless he otherwise ceases to be a member, hold office for such period as the Minister may specify in his appointment or, if no such period is specified, for a period of three years from the date of his appointment, and shall be eligible for reappointment.

(4) Any member of the Board may at any time resign by giving notice in writing to the Minister and from the date of receipt of such notice by the Minister, he shall cease to be a member of the Board.

(5) If any member of the Board is, without the permission of the Board, absent from more than four consecutive meetings of the Board or, without such permission, is absent from Kenya for a period exceeding one year he shall cease to be a member of the Board.

2. Where any member of the Board ceases to be a member before the normal expiration of his term of office, the Minister, 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.

Casual
vacancies.

3. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business.

Quorum and
procedure.

(2) At any meeting of the Board five members thereof shall constitute a quorum.

SCHEDULE—(Contd.)

(3) The Board may elect any member thereof to be Vice-Chairman of the Board.

(4) At any meeting of the Board the Chairman shall preside or, in the absence of the Chairman, if a Vice-Chairman has been elected the Vice-Chairman shall preside or, if no Vice-Chairman has been elected or if the Vice-Chairman is also absent, the members present at the meeting shall elect one of their number to be Chairman for that meeting.

(5) In the event of an equality of votes, the Chairman 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 Chairman of that meeting.

(7) Subject to the provisions of this paragraph and to any directions given by the Minister, 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.

Vacancies, etc.,
not to invalidate
proceedings.

4. 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.

Remuneration
and expenses.

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