

1. This Act may be cited as The Egerton University Act

An Act of Parliament to establish the Egerton University; to provide for the control, government and administration of the Egerton University; and for connected purposes"], Style[0])' onMouseOut='htm()'> the Egerton University Act.

2. (1) In this Act, unless the context otherwise requires -

"Alumni Association" means the alumni association of the University established under section 15;

"annual estimates" means the estimates prepared under section 19 (1) in respect of any financial year;

"Chancellor" means the Chancellor of the University referred to in section 9;

"constituent college" means a college established under section 5;

"the Council" means the Council of the University established under section 12;

"Deputy Vice-Chancellors" means the Deputy Vice-Chancellors appointed under section 11;

"faculty" means a faculty of the University established by the statutes;

"graduate" means a person upon whom a degree or other academic qualification has been conferred by the University;

"institute" means an institute in the University established by the statutes;

"lecturer" means a member of the staff of the University who is a full professor, associate professor, senior lecturer, lecturer or assistant lecturer or a person who holds any other teaching or research posts which the Council, on the recommendation of the Senate, has recognized as a post having academic status in the University;

"Librarian" means the person appointed to be the Librarian of the University;

"school" means a school of the University established by the statutes;

"the Senate" means the Senate of the University established under section 14;

"staff association" means an association of the staff of the University

recognized by the Council as being an association representative of the staff of the University;

"statutes" means statutes of the University made by the Council under section 22;

"student" means a person registered by the University for the purposes of obtaining a qualification, of the University or any other person who is determined by the Senate to be a student;

"Students' association" means an association of the students recognized by the Council as being an organization representative of the students of the University;

"the University" means the Egerton University established by section 3;

"Vice chancellor" means the Vice-Chancellor of the University appointed under section 10.

(2) References in this Act to offices or authorities of a constituent college shall be construed by reference to the legislation or other instruments by which that college is established or governed.

3. (1) There is hereby established a university to be known as the Egerton University.

(2) The University shall be a body corporate with perpetual succession and a common seal, and shall in its corporate 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 or lending money; and

(d) doing or performing all such other things or acts for the furtherance of the provisions of this Act which may lawfully be done or performed by a body corporate.

(3) The University is the successor to the Egerton University College established by the Egerton University College Act (now repealed) and subject to this Act, all rights, duties, obligations, assets and liabilities of the Egerton University College existing at the commencement of this Act shall be automatically and fully transferred to the University and any reference to the

Egerton University College, the Governing Body of Egerton Agricultural College, the Egerton Agricultural College or Egerton College in any contract or document shall for all purposes be deemed to be a reference to the University established under subsection (1).

4. (1) The functions and objects of the University shall be -

(a) to provide directly, or in collaboration with other institutions of higher learning, facilities for University education (including technological and professional education), the integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;

(b) to participate in the discovery, transmission and preservation of knowledge and to stimulate the intellectual life, economic and cultural development of Kenya;

(c) to conduct examinations and to grant such (C) T0 and such academic awards as may be provided in the statutes;

(d) subject to The Universities Act

An Act of Parliament to make better provisions for the advancement of university education in Kenya and for connected purposes", Style[0])' onMouseOut='htm()'> the Universities Act, to co-operate with the Government in the planned development of university education and, in particular, to examine and approve proposals for new faculties, new departments, new degree courses or new subjects of study submitted to it by any constituent college or other post secondary institution; and to determine who may teach and what may be taught and how it may be taught in the University.

(2) Admission to the University as candidates for degrees, diplomas, certificates or other awards of the University shall be open to all persons accepted as being qualified by the Senate, without distinction of ethnic origin, sect or creed 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 professor, lecturer, graduate or student of the University, or of his holding any office therein, nor shall any preference be given to, or advantage be withheld from, any person on the grounds of ethnic origin, sect or creed.

5. The President may, after consultation with the Council, by order published in the Gazette -

(a) establish any college as a constituent college of the University;

(b) declare an institution of learning or higher education or any training establishment to be a constituent college of the University.

6. (1) Subject to this Act, the Council shall have powers to confer any degree or grant any diplomas, certificates or any other academic qualification which it is for the time being authorized by a statute of the University to confer or award.

(2) Subsection (1) shall apply to any honorary degrees or academic distinction which the Council may wish to award to a person who has rendered distinguished services in the advancement of any branch of learning or who has otherwise rendered himself worthy of such a degree or academic distinction.

7. Subject to this Act, the University may award certificates, fellowships, scholarships, bursaries and prizes and make other awards which may be provided for in the statutes.

8. The members of the University shall be -

(a) the Chancellor;

(b) the Vice-Chancellor;

(c) the Deputy Vice-Chancellors;

(d) the principal of each constituent college;

(e) the members of the Council;

(f) the members of the Senate;

(g) the professors and lecturers of the University;

(h) the librarian;

(i) the students;

(j) such other members of staff of the University or any other body formally admitted into association with the University or with any of its constituent colleges, as the Council may from time to time determine.

9. (1) The President shall, unless he sees fit to appoint some other person thereto, be the Chancellor of the University.

(2) A person who is appointed by the President to be the Chancellor shall hold

office for such period as the President shall determine, but that person shall cease to hold office if there is change in the holder of the office of the President -

(3) The Chancellor -

(a) shall be the head of the University and shall, in the name of the University, confer degrees and diplomas, certificates and other awards of the University;

(b) may, from time to time, direct an inspection of the University or any inquiry into the teaching, research or any other work of the University;

(c) may, from time to time, give advice to the Council which he considers necessary for the betterment of the University;

(e) shall enjoy such powers and privileges and perform such other functions as may be provided in the statutes.

(4) Whenever the Chancellor (not being the President) is absent from Kenya or is for any reason unable to perform the functions of his office, the President or a person authorized by him in that behalf may appoint a person to perform those functions during the absence or inability of the Chancellor.

10. (1) There shall be a Vice-Chancellor of the University who shall be appointed by the Chancellor on the advice of the Council.

(2) The Vice-Chancellor shall -

(a) have the overall responsibility for the direction, organization, administration and programmes of the University;

(b) be the chairman of the Senate; and

(c) be responsible to the Council for the general conduct and discipline of the students.

(3) The Vice-Chancellor shall hold office upon such terms and for such period as may be provided by the statutes and upon the expiration of that period shall be eligible for re-appointment.

11. (1) The Council shall, in consultation with the Chancellor, appoint two or more Deputy Vice-Chancellors who shall, under the general authority of the Vice-Chancellor, exercise such powers and perform such duties as may be

provided by the statutes.

(2) A Deputy Vice-Chancellor shall hold office for such period as may be provided by the statutes, and upon the expiration of that period shall be eligible for re-appointment.

12. (1) There shall be a Council of the University which shall consist of -

(a) a chairman, a vice-chairman and an honorary treasurer all of whom shall be appointed by the Chancellor;

(b) the Vice-Chancellor;

(c) the Deputy Vice-Chancellors;

(d) the principal of each constituent college;

(e) the Permanent Secretary to the Ministry for the time being responsible for university education;

(f) the Permanent Secretary to the Ministry for the time being responsible for finance;

(g) the Permanent Secretary to the Ministry for the time being responsible for agriculture;

(h) the Permanent Secretary to the Ministry for the time being responsible for livestock development;

(i) the Director of Personnel Management;

(j) not more than eight members appointed by the President;

(k) three persons appointed by the Senate from among its members;

(l) two persons appointed by the Alumni Association from among its members who shall not be members of the staff of the University;

(m) two members elected by the students' association and not more than two members co-opted to the Council from time to time.

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

(3) The office of a member of the Council shall become vacant -

(a) if, not being an *ex-officio* member, he resigns his office by writing under his hand addressed to the Deputy Vice Chancellor responsible for administration;

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

(c) upon his death.

(4) Where the office of a member of the Council becomes vacant under subsection (3), the Deputy Vice-Chancellor responsible for administration 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 Council shall be vested in the Council.

13. (1) Subject to this Act, the Council shall be the governing body of the University through which the University the council shall act and -

(a) shall administer the property and funds of the University in a manner and for purposes which shall promote the best interests of the University; but the Council shall not charge or dispose of immovable property of the University without prior approval of the Chancellor;

(b) shall receive, on behalf of the University or a constituent college, donations, endowments therefrom to the constituent college or other bodies or persons;

(c) shall provide for the welfare of the staff and students of the University;

(d) may enter into association with other universities, or other institutions of learning, whether within or outside Kenya, as the Council may deem necessary and appropriate;

(e) may after consultation with the Senate, make regulations governing the conduct and discipline of the students of the University.

(2) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council, may be signified under the hand of the chairman, the Vice-Chancellor and the Deputy Vice-Chancellor responsible for administration or any other member of the Council

generally or specially authorized by the Council in that behalf.

14. (1) There shall be a Senate of the University which shall consist of -

- (a) the Vice-Chancellor, who shall be the chairman;
- (b) the Deputy Vice-Chancellors;
- (c) the principal of each constituent college;
- (d) the deans of the faculties and directors of institutes and schools;
- (e) the heads of the teaching departments of the University;
- (f) two members elected by the academic board or equivalent body of each constituent college from among the members of that board or body;
- (g) the librarian;
- (h) one representative of each of the faculty boards appointed by that board from among its members;
- (i) two members elected by the students' association; except that the members of the students' association shall not be entitled to attend deliberations of the Senate on matters which are considered by the chairman of the Senate to be confidential and which relate to the general discipline of students and other related matters;
- (j) any other members as may be provided for in the statutes.

(2) The Senate shall have the following powers and duties -

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University, and to report its findings thereon to the Council;
- (b) to propose regulations to be made by the Council regarding the eligibility of persons for admission to a course of study;
- (c) to propose regulations to be made by the Council regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University;
- (d) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate

or other award  
of the University;

(e) to initiate proposals relating to the conduct of the University generally and to discuss any matter relating to the University and to make representations thereon to the Council;

(f) to make regulations governing such other matters as are within its powers in accordance with this Act or the statutes.

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

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

(2) The Alumni Association shall have the right to meet and discuss any matter relating to the University and to transmit resolutions thereon to the Council and the Senate, and may exercise such other functions as may be prescribed in the statutes.

16. (1) The academic staff of the University shall consist of the Deputy Vice-Chancellor for academic affairs, the Librarian and all members of the staff who are engaged in teaching or research or extension.

(2) The administrative staff of the University shall consist of the Deputy Vice-Chancellor responsible for administration, finance officer and such other members of the staff, not being engaged in teaching, research or extension as the Council may, from time to time, determine.

(3) All the members of the staff of the University shall, subject to this Act, be appointed by the Council and shall be so appointed either -

(a) upon the terms and conditions of service prescribed by the statutes; or

(b) in the case of a person seconded to the service of the University from the service of another university or similar institution, the Government or any other public service, on terms and conditions agreed between the Council and the seconding body.

(4) The Council may, subject to such restrictions 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 University.

(5) All members of the staff of the University shall -

(a) be subject to the general authority of the Council and of the Vice-Chancellor;

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

17. (1) In the event of the incapacity of the Vice-Chancellor, the chairman of the Council, after consultation with the Chancellor, may, appoint one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor during the incapacity.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Chancellor, after consultation with the chairman of the Council, may appoint any member of the academic staff of the University to perform the functions of the Vice-Chancellor during the incapacity.

(3) In the event of the incapacity of a member of the staff of the University other than the Vice-Chancellor and Deputy Vice-Chancellors, the Vice-Chancellor 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.

18. (1) The Council may invest any of the funds of the University 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.

(2) The Council may place on deposit with such bank or banks as it may determine any monies not immediately required for the purposes of the University.

19. (1) Before the commencement of a financial year the Council shall cause to be prepared estimates of the revenue and expenditure of the University for that year.

(2) The annual estimates shall make provision for all the estimated

expenditure of the University 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 University;

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

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

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

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

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

(3) Annual estimates shall be approved by the Council 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 Council 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 University except in accordance with the annual estimates approved under subsection (3) or in pursuance of an authorization of the Council given with the prior approval of the Minister.

**20.** (1) The Council shall cause to be kept all proper books and records of account of the income, expenditure and assets of the University.

(2) Within a period of four months from the end of each financial year, the Council shall submit to the Auditor-General (Corporations) or an auditor appointed under subsection (3), the accounts of the University together with -

(a) a statement of income and expenditure during that year; and

(b) a statement of the assets and liabilities of the University on the last day of that year.

(3) The accounts of the University shall be audited and reported upon in accordance with sections 29 and 30A of The Exchequer and Audit Act An Act of Parliament to provide for the control and management of the public finances of Kenya; for the appointment terms of office, duties and powers of the controller and Auditor-General; for the collection, issue and payment of public moneys; for the audit of public accounts and the protection of public property; for the control of powers of statutory boards and commissions; and for matters connected therewith. "], Style[0])' onMouseOut='htm()'>The Exchequer and Audit Act

An Act of Parliament to provide for the control and management of the public finances of Kenya; for the appointment terms of office, duties and powers of the controller and Auditor-General; for the collection, issue and payment of public moneys; for the audit of public accounts and the protection of public property; for the control of powers of statutory boards and commissions; and for matters connected therewith. "], Style[0])' onMouseOut='htm()'> the Exchequer and Audit Act by the Auditor-General (Corporations) or by an auditor appointed by the Council under authority of the Auditor-General (Corporations) given in accordance with section 29 (2) (b) of The Exchequer and Audit Act

An Act of Parliament to provide for the control and management of the public finances of Kenya; for the appointment terms of office, duties and powers of the controller and Auditor-General; for the collection, issue and payment of public moneys; for the audit of public accounts and the protection of public property; for the control of powers of statutory boards and commissions; and for matters connected therewith. "], Style[0])' onMouseOut='htm()'>The Exchequer and Audit Act

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21. (1) The common seal of the University shall be kept in such custody as the council directs and shall not be used except upon the order of the Council.

(2) The common seal of the University shall be authenticated by the signature of the Vice-Chancellor, or of one other member of the Council duly authorized by the Council in that behalf, and of the Deputy Vice-Chancellor responsible for administration as secretary to the Council.

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

duly given.

22. (1) In the performance of its functions under this Act, the Council shall, subject to this Act, make statutes generally for the government, control and administration of the University 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 University;
- (b) the description of degrees;
- (c) the requirements for the award of degrees;
- (d) the conduct of examinations;
- (e) prescribing fees and boarding charges;

<F> the and including<br service, of conditions terms settling>(f) settling the terms and conditions of service, including the appointment, dismissal and recommendation of retiring benefits of the members of the staff of the University;

(g) the constitution and procedure of meeting of the Council, and the establishment, composition and terms of reference of committees of the Council;

(h) prescribing the rules and regulations for the students' association.

(2) Notwithstanding subsection (1), the Council shall not make, amend or revoke any statutes relating to the functions or privileges of the Chancellor, the vice-Chancellor or the Senate without first ascertaining the opinion of the Senate.

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

(4) Statutes or regulations made by the Senate under this Act shall be published in the Gazette but sections 27, 31 (e) and 34 of The Interpretation and General Provisions Act

An Act of Parliament to make provision in regard to the construction, application and interpretation of written law, to make certain general provisions with regard to such law and for other like purposes"], Style[0])'

onMouseOut='htm() '> the Interpretation and General Provisions Act shall not apply to the Statutes or to the regulations.

