Proposed Kenya Information Science Professionals Association (KISPA) Act
KENYA INFORMATION SCIENCE PROFESSIONALS ASSOCIATION (KISPA) ACT

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An act of parliament to provide for the establishment of Kenya Information science Professionals Association; to provide for accreditation and regulation of standards of training and practice of information scientists (librarians, documentalists, archivists, records managers, knowledge managers and other information professional) and for any connected purposes.

PART I: PRELIMINARY

1. Short Title

This act may be cited as Kenya Information Science Professionals Association (KISPA) Act in short KISPA Act

2. Interpretation

1. In this act, unless the context otherwise requires;

   ‘information scientist’ means anybody registered under this act as a librarian, records manger, archivist, documentalist, knowledge manager or any other information science disciplines as per section … of this act.

   ‘council’ means the council of the association as established in section … of this act.

   ‘Accreditation Board’ means

   ‘Practicing certificate’ means

   ‘Registration and Quality Assurance Committee’ means

   ‘Disciplinary Committee’ means

PART 2 – ESTABLISHMENT OF THE ASSOCIATION

3. Establishment of the Association

   1) There is established an association to be known as the Kenya Information Science Professionals Association (KISPA)

   2) The association 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) Purchasing, acquiring, holding or disposing of movable and immovable property;
(c) Borrowing money with the approval of cabinet secretary;
(d) Doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done by a body corporate.

4. Headquarters of the association

1) The Headquarters of the association shall be in Nairobi, but the association may establish offices at any other place(s) in Kenya.

5. Membership to the Association

1) A person who is registered under this Act shall be a member of the association.

2) The members of the association shall be classified into the following categories-

a) **Professional members**, comprising persons who have the following qualifications:
   i) Is a graduate in any field of information science courses from a university recognized by the association.
   ii) Has an advanced degree in any field of information science courses from a university recognized by the association.
   iii) Has passed the relevant certification courses provided for under this act.

b) **Associate members**, comprising persons who have the following qualifications:
   i) Certificate, diploma or higher diploma in information science courses from any institution recognized by the association.
   ii) A post graduate diploma degree in any field of information sciences.
   iii) Has passed relevant certification courses provided for under this act.

c) **Honorary members**, being those persons considered to have provided distinguished service and support in the advancement of the objectives of the association and may be appointed as such in an annual general meeting.

d) **Institutional members**, comprising of those institution involved in the training of information professional and the provision of information services.

e) **Visiting members**, comprising persons who are in Kenya for not more than three years and who have fulfilled the requirements in part ‘a’ and ‘b’ above.
f) **Corresponding members**, comprising persons residing outside Kenya and have fulfilled the requirement in part ‘a’ and ‘b’ above.

6. **Membership Fees**

The members of the association as specified in section 4(2) shall pay such fees and subscriptions as the Council may from time to time determine.

7. **Functions of the association**

The functions of the association shall be to:

a) Accredit, register and unite persons who meet academic, ethical and professional standards of information science practice in Kenya

b) Establish, monitor, regulate, publish and enforce standards of training, competence, practice and ethics for information professionals in Kenya.

c) Administer, regulate and prescribe tests of competence in collaboration with selected academic institutions to qualify persons for accreditation by the association.

d) Advice the government, industry and academic institution on standards of information science training and practice and monitor the same.

e) Promote and protect the interest and welfare of information professionals in Kenya.

f) Promote research and publishing in different field of information science.

g) Organize forums for the exchange of knowledge and professional development for information professionals in Kenya.

h) Advice the country on legislations and policies geared towards building a knowledge society and those affecting the practice of information science in Kenya.

i) Network with other bodies at local, regional and international levels to promote the standards of information science practice in the country.

j) Hear and determine disputes relating to professional conduct of information professionals in Kenya.

k) Carry out any other functions prescribed by this act or any other written law.

8. **Management of the association**

1. The management of the association shall vest in a council which shall comprise of:
i) Chairperson and vice chairperson elected by the members from the membership of the association.

ii) One representative of any chapters constituted under the association.

iii) Cabinet secretary for the time being responsible library and heritage activities in the Kenya or a representative designated by the secretary through writing.

iv) Cabinet secretary for the time being responsible for education in Kenya or a representative designated by the secretary through writing.

v) A representative of the schools of information science in the country (regulations).

vi) Four members elected to represent different branches under the association (regulations).

vii) An executive Officer for the associations.

2. Members elected under (i), (ii), (v), (vi) shall hold office for two years and shall be legible for re-election for a further and final two years.

3. An appointment under (iii) and (iv) shall be done through the Kenya gazette.

9. Executive Officer

1. There shall be an Executive Officer of the association who shall be competitively appointed by the Council, and whose terms and conditions of service shall be determined by the Council.

2. The executive officer will perform his/her duties in consultation with the under the supervision of the council.

3. A person shall not be appointed as an Executive Officer under this section unless such a person-

i) Is an accredited information professional.

ii) Has at least five years of proven experience in the field of information science.

iii) Has knowledge and experience in policy formulation, management and procedures of the Government;

iv) Meets the requirements of Chapter Six of the Constitution

10. Functions of the executive committee

The Executive Officer shall:

iii) Keep all documents and records including records of all assets of the association.

iv) Take and keep minutes of all meetings of the association.

v) Oversee the implementation of the council decisions.
vi) Ensure the maintenance of efficiency and discipline by all staff of the association.

vii) Manage the budget of the association to ensure that its funds are properly expended and accounted for.

viii) Exercise and perform any other functions which the council may determine from time to time.

11. Staff of the Association

The Council may appoint such officers, agents, consultants and other staff as are necessary for the proper and efficient discharge of the functions of the association, upon such terms and conditions of service as the Council may determine.

12. Remuneration of the Council

The members of the Council shall be paid such fees, allowances and disbursements for expenses as may be determined by the Council upon the advice of the Salaries and Remuneration Commission.

13. Committees of the Association

The council shall establish such committees from time to time, as it considers desirable for the efficient performance of its duties.

14. Meetings of the Association

1. An annual general meeting of the association shall be held not later than six months after the end of each year financial year.

2. A special general meeting of the association—

   i) may be held at any time; and

   ii) shall be held on a written request made to the Council and signed by not less than one hundred members of the association.

3. A meeting of the association shall be convened by the Council by giving to every member of the Institute a written notice—

   a) stating the place and time of the meeting; and

   b) indicating the business which it is proposed to transact at the meeting, which shall include, among other matters, the presentation of the following—

      (i) a report by the Council covering the past year;
(ii) financial statements and the auditor’s report thereon;

(iii) election of the Chairman and Council members; and

(iv) the appointment of the auditor.

4. Notice of a meeting shall be given not less than thirty days before the date on which it is to be held to each member of the association by posting the notice to the address of the members of the association.

5. The Chairman shall preside at all meetings of the association at which he is present.

6. At a meeting of the association at which the Chairman is not present, the Vice-Chairman shall preside.

7. At a meeting of the association at which neither the Chairman nor the Vice-Chairman are present, the members of the association present shall elect one of their members to preside.

8. The quorum at a meeting of the association shall be one hundred members.

9. No business shall be transacted at a meeting of the Institute unless:

   i) the business is indicated in the notice of the meeting as business which it is proposed to transact;

   ii) in the case of business not so indicated, the meeting decides to transact the business and the person presiding at the meeting agrees to the transaction of the business.

10. Minutes of the proceedings at meetings of the association shall be kept in such a manner as the Chairman or in his absence the person presiding at a particular meeting, directs.

11. The person presiding at a meeting of the association may in his discretion limit the number of persons permitted to speak in favour of or against any motion and the time any such person may so speak.

12. Questions arising at a meeting shall be determined by a majority of the members of the association voting on the question.

13. Voting on any question shall be by a show of hands or such other procedure as may be prescribed in regulations published under the provisions of this Act.

14. Where a ballot is held, voting may be either done personally or by written proxy.

15. An instrument appointing a proxy shall be in writing and shall be deposited with the Executive officer to the Council not less than forty-eight hours before the meeting of the association at which it is to be used.
16. A proxy to be used in any ballot at any meeting may be used at the meeting or, if the meeting is adjourned, in any ballot when the meeting is resumed after the adjournment but the holding of a proxy shall not be counted towards the quorum at any stage of any meeting.

17. The person presiding at a meeting of the association has a deliberative vote, and, in the event of an equality of votes, also has a casting vote.

18. A declaration by the person presiding at a meeting of the association that a resolution has or has not been carried and an entry to that effect in the minutes of the meeting is evidence of that fact.

PART 3 – ESTABLISHMENT OF ACCREDITION AND QUALITY ASSURANCE BOARD

15. Establishment of accreditation and quality assurance Board

1. There is hereby established a Board to be known as the Information Science Professional Accreditation and Quality Assurance Board of Kenya, to be known as the ‘board’.

2. The board 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) Purchasing, acquiring, holding or disposing of property;

   (c) Borrowing money; and

   (d) Doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done by a body corporate.

16. Membership to the board

The board shall comprise of:

   a) Four persons who shall be qualified information scientists nominated by the Council, one of whom shall be appointed by the Council from amongst information professionals as Chairperson of the Board.

   b) two persons nominated by the Cabinet Secretary of the Ministry for the time being responsible for education, one of whom shall be from Kenya Institute of Curriculum Development and one from the Kenya National Examination Council.

   c) The Director of Personnel Management or a representative designated in writing by the Director of Personnel Management;
(d) One person nominated by the Commission for Higher Education; and
(e) One person nominated by the Attorney General.

17. The functions of the Board

1) The functions of the board shall be to—

a) Prepare examination syllabuses for accreditation of Information Science professionals.

(b) Make rules with respect to such examinations;

(c) Arrange and conduct examinations and issue accreditation certificates to information professionals who have satisfied examination requirements.

d) Prescribe the fees and other charges payable with respect to such examinations.

e) Remit a proportion of not less than thirty percent of the fees collected under paragraph (d) to the council to support its activities.

d) Promote recognition of its accreditation examinations and certificates locally, regionally and internationally.

e) Investigate and determine cases involving unethical behavior by accredited information professionals.

(f) Promote and carry out research relating to its accreditation examinations.

(g) Promote the publication of books and other materials relevant to its accreditation examinations.

(h) Liaise with the Ministry of Education in accreditation of institutions offering training in subjects examinable by the Board.

(i) Do anything incidental or conducive to the performance of any of the preceding functions.

2. The Board shall consult with the Council and other parties, as often as it considers it necessary to do so for the purpose of exercising and performing its functions.

3. The Board may establish such committees as it considers necessary for the purpose of exercising and performing its functions and may determine the membership and procedure of any such committee.

4. The chairman of any committee established under subsection (3) shall automatically be a member of the Board.

18. Registration and Quality Assurance Committee.
(1) There is hereby established a committee to be known as the Registration and Quality Assurance Committee.

(2) The Committee shall consist of-

(a) a chairperson appointed by the Council from amongst members of the Council;
(b) one person nominated by the Federation of Kenya Employers;
(c) one person nominated by the Examination Board;
(d) one person nominated by the Kenya National Examination Council; and
(e) the Attorney General or his representative designated by him in writing.
(f) the cabinet secretary in charge of libraries or his representative designated by him through writing.

(g) The executive officer of the council to serve as the secretary to the committee.

19. The functions of the registration and Quality Assurance Committee shall be-

(a) receive applications for registration and grant accreditation certificates in accordance with the provisions of this Act;
(b) monitor compliance with professional code of ethics and other professional standards published by the Council for observance by the members of the association;
(c) prescribe regulations to govern quality assurance programmes, including actions necessary to rectify deviations from standards;
(d) advise the Council on matters pertaining to professional and other standards necessary for the achievement of quality assurance; and

(f) perform any other functions connected therewith or incidental thereto.

(4) The Executive Officer to the association shall serve as the secretary to the Registration Committee, and may, with the consent of the person presiding at a meeting, take part in the deliberations on any matter arising at the meeting, but shall not be entitled to vote on any such matter.

20. Qualification for Registration as Information Science Professional

Subject to the provisions of this Act, a person shall be eligible to be registered as an Information Science professional if such person-

(a) is of good conduct;
(b) has paid the prescribed fees;

(c) has successfully undergone a prescribed certificate, diploma, graduate and post graduate course of instruction and has passed the appropriate accreditation examination conducted or prescribed by the association; or

(d) has undergone a certificate, diploma, degree, graduate and post graduate course of training and passed an examination elsewhere than in Kenya, which the Institute recognizes as equivalent to the training and instruction required in the case of persons trained in Kenya and has passed the accreditation examination conducted or prescribed under the association.

(e) holds such other qualifications as the Council may prescribe from time to time.

(2) The Council may from time to time, by notice in the Gazette, approve qualifications, which it considers sufficient to allow a person to be registered, and may, in the same manner, withdraw that approval.

21. Disqualification of members

1. Subject to this section, a person is disqualified from being registered if the person-

(a) is convicted by a court of competent jurisdiction in Kenya or elsewhere of any offence involving fraud or dishonesty;

(b) is a undischarged bankrupt;

(c) is of unsound mind and has been certified to be so by a medical practitioner; or

(d) is found by the Council to be guilty of professional misconduct in accordance with this Act;

(e) he does not meet the requirements of Chapter Six of the Constitution.

22. Registration of Information Science Consultancies

1. Subject to the provisions of this Act, a person may register a firm that practices information science disciplines, if -

(a) the firm has a certificate of registration of a business name or certificate of incorporation;

(b) the firm has at least one partner or principle shareholder who is registered as an Information Science professional and who has a valid practicing certificate; and

(c) the person fulfils any other condition as may be stipulated by the Council.

23. Application for Registration

a) A person wishing to be registered as an information Science Professional shall apply to the Registration and Quality Assurance Committee.
b) An application under this section shall be made in the prescribed manner and form and, shall be accompanied by the prescribed fee.

c) Where an application is made by a person in accordance with this section, the Registration Committee shall approve the application if it is satisfied that the applicant meets the requirements specified under this act.

24. Certificate of Registration

The Registration and Quality Assurance Committee shall issue to every person registered under this Act a certificate of registration in the prescribed form.

25. Removal from the Register

The Registration and Quality Assurance Committee may, at any time, direct that the name of a person be removed from the register where such person-

(a) is of unsound mind;

(b) requests that the name be removed from the register;

(c) is convicted of an offence under this Act;

(d) has been found guilty and his registration suspended or revoked through disciplinary proceedings under this act,

(e) has failed to renew a membership;

(f) is declared bankrupt; and

(g) any circumstances arises which, if the member were then a person applying for registration, would disqualify him under section 20 from being registered.

26. Register of Information Science Professionals

1. The Secretary to the Registration and Quality Assurance Committee shall cause to be kept a register which shall contain:

a) the names of persons registered under this Act;

(b) the names of all persons issued with a practicing certificate;

(c) particulars of the cancellation of the registration of any person; and

(d) such other details as the Council may direct
2. The secretary to the Registration and Quality Assurance Committee shall make public details of those people whose names have been removed from the register, within one month of that removal and maintain a register of the same.

27. Reinstatement to the register

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

(a) the removal of such person's name from the register be confirmed; or

(b) the name of the persons be restored in the register.

28. Maintenance of the register

The secretary to the Registration and Quality Assurance Committee shall from time to time make any necessary alteration or correction in the register in relation to any entry therein.

29. Use of title

A person registered under this Act shall by virtue of being so registered, be entitled to take and use the title and description of an Information Science professional.

30. Practicing Certificate

1. No person shall practice as an Information science professional unless the person has been issued with a valid practicing certificate.

2. Person wishing to obtain a practicing certificate shall apply to the Registration and Quality Assurance Committee.

3. An application under this section shall be in the prescribed form and shall be accompanied by the prescribed fee.

4. Where an application is made by a person in accordance with this section, the secretary to the Registration and Quality Assurance Committee shall issue such a person a practicing certificate if satisfied that the person-

   i) is registered under this Act; and

   ii) meets such other requirements as may be prescribed and if not satisfied, shall refuse the application.

5. A practicing certificate remains in force unless its holder-

   i) is removed from the register; or
ii) has been suspended under section 24.

6. Where a practicing certificate ceases to be in force, the person to whom the certificate was issued shall deliver it to the Council within thirty days from the date on which he ceases to be registered.

7. Any person who, without reasonable excuse contravenes subsection (6) commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings.

31. Quality Assurance

1. The Registration and Quality assurance committee shall carry out quality assurance reviews for all institutions and individuals offering information science related services.

2. The procedure to be followed on a quality assurance review shall be subject to the regulations under this act and be done at the discretion of the Accreditation and Quality Assurance committee.

3. The Registration and Quality Assurance Committee shall notify concerned institutions and members of an impending quality assurance review at least twenty one days prior to commencement of the review.

4. Where the results of a quality assurance review are considered unsatisfactory the board may require the concerned institutions and members to undertake necessary corrective actions to comply with professional standards and may prescribe requirements to be observed in this respect.

5. The requirements of the Registration and Quality Assurance Committee shall be implemented by the member or members investigated within such time as may be determined.

6. The Registration and Quality Assurance Committee shall provide the Council with a report on all the quality assurance reviews the Committee undertakes and where necessary or appropriate, the Council shall take such action as may be recommended therein.

7. The Registration and Quality Assurance Committee shall not without the consent of the institutions and members under review, disclose to any person other than the Council, any information received in the course of an investigation, unless such disclosure is required by a law for the time being in force in Kenya.

8. Any member of the Registration and Quality Assurance Committee or quality assurance review team who discloses any information acquired in the course of a quality assurance review contrary to the provisions of this Act or applies such information to gain advantage whether financial or otherwise commits an offence and shall be liable to a fine not exceeding fifty thousand shillings or conviction.
9. The quorum for meetings of the Registration and Quality Assurance Committee shall be four.

10. The decision of the Registration and quality Assurance Committee shall be that of the majority of the members present and voting: Provided that in the event of equality of votes, the Chairman shall have a casting vote.

11. The validity of the proceedings of the Registration and Quality Assurance Committee shall not be invalidated by any vacancy in its membership.

12. A record of the proceedings of the Registration and Quality Assurance Committee shall be kept in such manner as the Committee directs, and may on a written request be availed to the Council or a party authorized by the Council or the High Court to receive them.

**PART 4: REPEALS AND AMENDMENTS**

32. Amendment of Cap. 225 to make it compliant with this act.

**PART 5: DISCIPLINARY PROVISIONS**

33. Professional Misconduct

A person registered under this Act will be guilty of professional misconduct if the person fails to:

i) provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.

ii) uphold the principles of intellectual freedom and resist all efforts to censorship.

iii) protect user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.

iv) respect intellectual property rights and advocate balance between the interests of information users and rights holders.

v) Treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.

vi) Avoid advancing private interests at the expense of library users, colleagues, or our employing institutions.

viii) Allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.
ix) Strive for excellence in the profession by maintaining and enhancing his/her own knowledge and skills, by encouraging the professional development of coworkers, and by fostering the aspirations of potential members of the profession.

34. Disciplinary committee

1. There shall be a Committee to be known as the Disciplinary Committee:

2. The Disciplinary Committee shall consist of five members appointed by the Council, from among the members of the council.

3. Members of the Disciplinary Committee shall appoint one of their numbers to be the Chairperson.

4. Where the Council has reason to believe that a registered person may have been guilty of professional misconduct it shall refer the matter to the Disciplinary Committee which shall inquire into the matter.

5. During the inquiry by the Disciplinary Committee, the person whose conduct is being inquired into shall be afforded an opportunity to be heard in person.

   e) The Disciplinary Committee shall, have power to regulate its own procedure.

35. Powers of the disciplinary committee

1. Where, on recommendation of the Disciplinary Committee, the Council is satisfied that an information Science Professional is in breach of any of the provisions of professional misconduct as prescribed under section 33 above, the council may:

   i) issue the Information Science professional with a letter of admonishment;
   ii) suspend the registration of the Information Science professional for a specified period not exceeding twelve months;
   iii) Withdraw or cancel the practicing-certificate of the Information Science professional for such period not exceeding five years as may be appropriate;
   iv) impose a fine which the Council deems appropriate in the circumstances; or
   v) remove the name of the Information Science professional from the register.

2. The Council shall as soon as practically possible inform the professional of the action to be taken against him.

3. Any person whose name has been removed from the register or whose practicing certificate has been suspended shall forthwith surrender to the Council his or her certificate of registration or practicing certificate.
4. Any person being a registered Information Science professional who refuses or fails to surrender his or her certificate of registration or practicing certificate to the Council shall be guilty of professional misconduct and shall be liable to a fine not exceeding one hundred thousand shillings.

5. Any person aggrieved by the decision of the Council in the exercise of its powers under this section may within thirty days from the date of the decision of the Council, appeal to the High Court and in any such appeal, the High Court may annul or vary the decision as it finds necessary.

6. Where an Information Science professional has been suspended from practicing; he or she may appeal to the Council for the lifting of the suspension at any time before the expiry thereof.

7. Where the Council is satisfied in respect of any Information Science professional that he or she should have his or her suspension lifted, the Council shall, upon the receipt of the prescribed fee, lift the suspension and restore to the information science professional; his or her registration and practicing certificate.

PART 6: FINANCIAL PROVISIONS

36. Funds of the association:

1. The funds of the council shall consist of—

i) such monies or assets as may accrue to or vest in the Council in the course of the exercise of its powers or performance of its functions under this Act;

ii) such, monies as may be payable to the Council pursuant to this Act or any other written law;

iii) donations, gifts and endowments from lawful organizations or sources;

iv) proceeds of any investments by the Council; and

v) grants.

37. Financial Year of the Council

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

2. At least three months before the commencement of each financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the Council for that financial year.

3. The annual estimates shall make provisions for all estimated expenditure of the Council for the financial year concerned, and in particular shall provide for the—
i) payment of salaries, allowances and other charges in respect of the staff of the Council;

ii) payment of pensions, gratuities and other charges in respect of former staff of the Council;

iii) proper maintenance of the offices and chapters under the association.

iv) maintenance, repair and replacement of the equipment and other property of the Council;

v) payment of allowances of the members of the Council and the members of the Board; and

vi) creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, replacement of buildings or equipment, or in respect of such other matters as the Council may deem fit.

4. The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to an AGM for approval.

5. No expenditure shall be incurred for the purposes of the Council except in accordance with the annual estimates approved under subsection (4),

6. The Council shall cause to be kept proper books and other records of accounts of the income, expenditure, assets and liabilities of the Council.

7. Within a period of three months after the end of each financial year, the Council shall submit to the Auditor-General the accounts of the Council, in respect of that year, together with —

   i) a statement of income and expenditure during that financial year;

   ii) a statement of the assets and liabilities of the Council on the last day of that financial year.

8. The accounts of the Council shall be examined, audited and reported upon annually by the Auditor-General in accordance with the provisions of the Public Audit Act, 2012.

**PART 7: MISCELLANEOUS**

**38. Offences by persons not legible to be registered**

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

2. Any head of institution that employs or engages any person, not being legible to be registered under this act, in a positions meant for persons registered under this act commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings, or to imprisonment for a term not exceeding two years, or to both.

3. A person who, not being eligible to be registered under this Act, practices for gain as an Information science professional, commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings, or to imprisonment for a term not exceeding two years, or to both.

39. Offences for persons legible to be registered

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

40. Falsification of the register

A 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 person to be registered under this Act by making or producing or causing to be made or produced a false or fraudulent representation or declaration, either orally or in writing, commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

41. Regulations

The Council may, with the approval of the AGM, 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 —

a) prescribing the curriculum and the courses of study to be pursued by the students and candidates in order to satisfy the academic requirements of any particular registration;

b) prescribing the experience criteria to be met by candidates for registration;

c) prescribing a code of ethics, rules of professional conduct and standards of practice;

d) providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;

e) prescribing fees payable to the Association;

f) governing the calling, holding and conducting of meetings of the board and of the members of the association; and
g) authorizing the making of grants for any purpose that may tend to advance knowledge of human resources management or improve standards of practice.
h) Designations to be used by Information Science professionals falling under this act.
i) Any other matter incidental to this act.

42. Transitional Provisions

1. A committee appointed under KLA, in consultation and with the inclusion of other potential chapters, shall facilitate the enactment of this Act and shall assume the responsibilities imposed on the Council and the Registration Committee by this Act as an Interim Council and Interim Registration Committee until the first elections held under this Act.

2. The chairperson of the committee shall continue to act as chairperson of the council until the first elections held under this Act.

3. The Interim Council to facilitate the registration chapters and members of the association and the convening of the first annual general meeting, comprising all chapters, at which Council members shall be elected.

4. The first annual general meeting of the association shall be convened by the Interim Council within a period of twelve months of the commencement of this Act.

5. Any Information Science professional carrying out any business contrary to this Act shall ensure that the business is complaint with the Act within twelve months of the commencement of this Act.

6. Any statutory body performing any function falling under this act shall transfer them to the council within twelve months of the commencement of this Act.

PART 8 - SCHEDULE:

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL

1. Vacation of office

An office of a member of the Council shall become vacant if the member —

i) dies;

ii) becomes subject to any of the disqualifications referred to in …

iii) resigns the office by writing under his hand delivered to the chairperson of the Council;
iv) is absent without the permission of the chairperson from three or more consecutive meetings of the Council;

v) is convicted of an offence and sentenced to imprisonment for a term of six months or more without the option of a fine;

vi) is found guilty of an offence under section 31 (disciplinary committee) of the Act which in the opinion of the Council renders him unsuitable to continue to hold office;

vii) becomes for any reason including infirmity of body or mind, incompetent or incapable, of performing the functions of the office; or

viii) is otherwise unable to discharge his functions.

2. Filling the vacancy

When a vacancy falls in the office of the chairman to the council, the vice chairperson shall assume the office in acting capacity until another election is conducted.

3. Vice Chairperson

The Council shall, at its first meeting, elect a vice chairperson to the council from amongst the persons appointed under section 7(1) (member of the council) of this Act

4. Meetings

a) The Council shall meet at least four times in each year.

b) The Chairperson may at any time convene a special, meeting of the Council and shall do so within fifteen days of a written requisition for the meeting signed by at least three members.

c) The Chairperson shall preside at all meetings of the Council, which he is present and in the case of his absence, the Vice Chairperson shall preside.

d) At a meeting of the Council at which neither the Chairperson or Vice chairperson is present, the members of the Council present shall elect one of their number to preside, and the person so elected shall have all the powers of the chairperson with respect to that meeting and the business transacted thereat.

e) The quorum for the conduct of the business of the Council shall at least three quarter of the members.

f) The decisions of the Council shall be by a majority of votes, and the Chairperson of the meeting shall have an original and a casting vote.

5. Powers of the council to regulate its own procedure
Subject to the provisions of this Schedule, the Council shall regulate its own procedure.

6. Disclosure of interest

a) If a member of the Council is directly or indirectly interested in any contract, proposed contract or other matter before the Council and is present at a meeting of the Council at which the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

b) disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.