

THE SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2022

ARRANGEMENT OF CLAUSES

Clause

PART I— PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Object of the Act.
- 4—Application.

**PART II— ESTABLISHMENT OF THE KENYA INSTITUTE OF
SUPPLY CHAIN MANAGEMENT**

- 5—Establishment of the Institute.
- 6—Functions of the Institute.
- 7—Organs of the Institute.
- 8—The Council.
- 9—Qualification of the Chairperson and members of the Council.
- 10—Election of Chairperson and members of the Council.
- 11—Assumption of office.
- 12—Term of office.
- 13—Removal from office.
- 14—Vacancy.
- 15—The Executive Director.
- 16—The Corporation Secretary to the Institute.
- 17— Chapters of the Institute
- 18—Staff of the Institute.

PART III— FINANCIAL PROVISIONS

- 19—Funds of the Institute.
- 20—Financial year.
- 21—Annual estimates.
- 22—Accounts and audit.

PART IV— MEMBERSHIP OF THE INSTITUTE

- 23— Establishment of the Registration Committee
- 24— Categories of membership
- 25—Registration of Fellows of the Institute.
- 26—Registration as a member of the Institute.
- 27—Registration as an associate member of the Institute.
- 28—Recognition of Honorary Members.
- 29— Registration of Corporate Members
- 30—Rights of a registered member.
- 31—Certificate of Membership.
- 32—Register of members.
- 33—Requirement to take out a Practicing licence.
- 34—Validity of a practicing license.
- 35—Appeal and Review of the decisions of the Registration Committee.

PART V— MEETINGS OF THE INSTITUTE

- 36— The General Meeting
- 37— Special General Meeting
- 38— Resolutions of the Institute

**PART VI— ESTABLISHMENT OF THE SUPPLY CHAIN
EXAMINATIONS BOARD**

- 39— Establishment of the Examinations Board
- 40— Composition of the Examinations Board
- 41— Qualifications for appointment
- 42— Removal and Vacation from office
- 43—Powers of the Examinations Board.
- 44—Chief Executive Officer.
- 45—Corporation Secretary to the Examinations Board.
- 46—Staff of the Examinations Board.

PART VII— FINANCIAL PROVISIONS

- 47—Funds of the Examinations Board.
- 48—Financial Year.
- 49—Annual Estimates.

50—Accounts and Audit.

PART VIII— DISCIPLINE

51—Code of Ethics.

52—Establishment of the Disciplinary Committee.

53—Powers of the Disciplinary Committee.

54—Appeal and Review.

PART IX— PROVISIONS ON DELEGATED AUTHORITY

55—Power to make Regulations

PART X— MISCELLANEOUS PROVISIONS

56—Remuneration.

57—Annual Report.

58—Protection from personal liability.

59—Conduct of business and affairs of the Institute.

60—General Penalty.

61—Offences by persons not eligible to be registered or licensed.

62—Offences by person eligible to be registered or licensed.

63—Offences by persons conducting training courses or examinations without authority.

64—Employment of unregistered staff.

65— Falsification of registers or records.

PART XI— TRANSITIONAL PROVISIONS

66—Transition

67—Repeal

THE SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2022

A Bill for

AN ACT of Parliament to provide for the training, certification, registration, licensing and continuous professional development of supply chain management professionals; to regulate the practice of supply chain management; to establish the Kenya Institute of Supply Chain Management and the Supply Chain Management Examinations Board and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

PART I— PRELIMINARY

- Short title.** 1. This Act may be cited as the Supply Chain Management Professionals Act, 2022.
- Interpretation.** 2. In this Act —
- “associate member” means a person registered under section 27;
- “Cabinet Secretary” means the Cabinet Secretary responsible for Finance;
- “Chairperson” means the Chairperson of the Institute elected in accordance with section 10..
- “Chief Executive Officer” means the Chief Executive Officer of the Examinations Board appointed pursuant to section 44;

“Council” means the Council of the Institute established under section 8;

“corporate member” means a person registered under section 29;

“Examinations Board” means the Supply Chain Management Examinations Board of Kenya established under section 38;

“Executive Director” means the Executive Director of the Institute appointed pursuant to section 15;

“Fellow” means a person registered as a Fellow of the Institute pursuant to section 25;

“General Meeting” means a meeting of the Institute convened pursuant to section 35;

“Honorary member” means a person recognised as a Honorary member of the Institute in accordance with section 28;

“Institute” means the Kenya Institute of Supply Chain Management established under section 5;

“member” means a person registered as a Member of the Institute in accordance with section 26; and

No.33 of 2015

“Public Procurement Regulatory Authority” means the Authority established under section 8(1) of the Public Procurement and Asset Disposal Act, 2015.

Object of the Act

3. The object of this Act is to—

- (a) regulate the training, examination and certification of supply chain management professionals;

- (b) provide a framework for registration, licensing, and continuous professional development of supply chain management professionals in Kenya;
- (c) promote and protect the welfare and interests of supply chain management professionals; and
- (d) promote research, consultancy and advisory services in supply chain management.

Application.

4. This Act applies to a supply chain management professional engaged in —

- (a) public procurement management at the National or County Governments;
- (b) private procurement management;
- (c) warehousing, stores, asset management and stock control;
- (d) procurement agency;
- (e) supply chain management consultancy, research and advisory;
- (f) public private partnership;
- (g) contract and project management;
- (h) logistics, clearing and forwarding;
- (i) fleet management;
- (j) asset disposal;
- (k) operations management; or
- (l) distribution management.

**PART II— ESTABLISHMENT OF THE KENYA
INSTITUTE OF SUPPLY CHAIN MANAGEMENT**

Establishment of the Institute.

5. (1) There is established the Kenya Institute of Supply Chain Management.

(2) The Institute 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, charging or disposing of property;
- (c) borrowing and lending money; and
- (d) doing or performing all such other acts necessary for the proper performance of its functions under the Act.

Functions of the Institute.

6. The Institute shall—

- (a) establish and monitor the standards of professional practice and ethical conduct of supply chain management professionals;
- (b) register, license and discipline supply chain management professionals;
- (c) facilitate continuous education, training and research in supply chain management;
- (d) advise the Examinations Board on examination and certification of supply chain management professionals;
- (e) advise relevant government agencies on the criteria for accreditation of learning institutions offering academic courses in supply chain management;
- (f) safeguard the interests and welfare of the members of the Institute;
- (g) provide advisory and consultancy services in supply chain management;
- (h) establish a repository for supply chain management;

- (i) promote collaboration between the supply chain management profession and other professions;
- (j) promote recognition of the Institute at the local and international level; and
- (k) perform such other functions as may be necessary for the proper administration of this Act.

Organs of the Institute. 7. The governance of the Institute shall vest in the General Meeting and the Council.

The Council. 8. (1) The Council shall comprise of —

- (a) a Chairperson, elected in accordance with section 10;
- (b) the Cabinet Secretary in the Ministry responsible for Finance or a representative designated in writing;
- (c) the Attorney-General or a representative, designated in writing;
- (d) the Director-General of the Public Procurement Regulatory Authority or a representative designated in writing; and
- (e) seven members of the Institute elected in accordance with section 10.

(2) The Council, may, co-opt such number of persons, whose knowledge and expertise may be necessary, for such period as it may determine.

(3) A person co-opted under subsection (2) shall not vote at a meeting of the Council.

Qualifications of the Chairperson and members of the Council. 9. (1) A person is qualified for election as Chairperson where that person—

- (a) is a citizen of Kenya;
- (b) is a registered member of the Institute, in good standing;

- (c) has at least ten years' professional experience in supply chain management, six of which shall be in a position of senior leadership;
- (d) holds a valid practicing licence; and
- (e) meets the requirements of leadership and integrity set out in chapter six of the Constitution.

(2) A person is qualified for election as a member of the Institute under section 8(1)(e) where that person—

- (a) is a citizen of Kenya;
- (b) is a registered member of the Institute, in good standing;
- (c) has at least eight years of professional experience in supply chain management;
- (d) holds a valid practicing licence; and
- (e) meets the requirements of leadership and integrity set out in chapter six of the Constitution.

**Election of
Chairperson
and members of
the Council.**

10. (1) An election of the Chairperson and members of the Council specified under section 8(1)(e) shall be conducted on every second Friday of the month of January, every three years from the date of the previous election.

(2) A person is eligible to vote in an election under this section where that person is registered as a member of the Institute, and in good standing.

(3) The election of the Chairperson and members of the Council shall be—

- (a) free and fair;
- (b) by secret ballot;
- (c) free from violence, intimidation or improper influence;
- (d) conducted in a transparent manner;
- (e) conducted by an independent body; and

- (f) administered in an impartial, neutral, efficient, accurate and accountable manner.

- Assumption of office.** **11.** (1) The Chairperson and members of the Council-elect shall be sworn in on the fourteenth day of the declaration of the election results and shall assume office by taking the oath or affirmation for the execution of the functions, as may be prescribed.
- (2) The Cabinet Secretary shall, within seven days of the assumption of office publish the names of the Chairperson and members of the Council in the Gazette.
- Term of office.** **12.** The Chairperson and members of the Council shall hold office for a term of three years and shall be eligible for re-election for one further term of three years.
- Removal from office.** **13.** The Chairperson or a member of the Council may be removed from office on any of the following grounds —
- (a) violation of the Constitution or any other written law;
 - (b) absence without justifiable cause, from three consecutive meetings of the Institute;
 - (c) conviction of an offence whose term of imprisonment exceeds six months, without the option of a fine;
 - (d) incapacitation by physical or mental illness;
 - (e) incompetence or neglect of duty; or
 - (f) bankruptcy.
- Vacancy.** **14.** The office of the Chairperson or a member of the Council shall become vacant where the holder of the office—
- (a) dies;
 - (b) resigns, in writing, addressed to the members of the Institute;
 - (c) upon expiry of his or her term of office; or

(d) is removed from office pursuant to section 13.

The Executive Director.

15.(1) The Council shall, through an open and transparent process appoint a suitably qualified person to be the Executive Director of the Institute.

(2) A person is qualified for appointment as the Executive Director where that person—

- (a) is a citizen of Kenya;
- (b) holds a degree in a relevant field of study from a university recognised in Kenya;
- (c) holds a post-graduate professional qualification in supply chain management from a recognised institution;
- (d) has at least ten years' professional experience in supply chain management, five of which shall be in a position of senior leadership;
- (e) is a registered member of the Institute, in good standing;
- (f) holds a valid practicing license; and
- (g) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

(3) The Executive Director shall be responsible for the day-to-day management of the staff and affairs of the Institute and shall be an ex-officio member of the Council.

(4) The Executive Director shall hold office for a term of four years but shall be eligible for re-appointment for a further term of four years.

(5) The Executive Director may be removed from office on the following grounds—

- (a) violation of the Constitution or any other written law;

- (b) conviction of an offence whose term of imprisonment exceeds six months, without the option of a fine;
- (c) incapacitation by physical or mental illness;
- (d) incompetence or neglect of duty; or
- (e) bankruptcy.

(6) The office of the Executive Director shall become vacant where the holder of the office—

- (a) dies;
- (b) resigns, in writing, addressed to the Council; or
- (c) is removed from office pursuant to subsection (5).

**The
Corporation
Secretary to the
Institute.**

16. (1) The Council shall, through an open and transparent process appoint a person qualified in terms of the law governing the practice of public secretaries in Kenya, to serve as the Corporation Secretary.

(2) The Corporation Secretary shall—

- (a) provide guidance to the Council on matters of governance;
- (b) advise the Council on the law, rules and regulations, applicable in carrying out its mandate;
- (c) provide secretarial services to the Council, including preparation and circulation of the minutes of the Council;
- (d) keep custody of the Seal and a record of its usage; and
- (e) perform any other duties that may be assigned by the Institute.

(3) The Corporation Secretary shall serve on such terms and conditions as the Council may determine.

**Chapters of the
Institute**

17. (1) The Institute shall be organized into such number of Chapters as set out in the Second Schedule.

(2) The Chapters shall —

- (a) act as a focal point for coordination of activities of the Institute at regional level;
- (b) coordinate continuous professional development programmes;
- (c) be the centre for exchange of information and sharing of ideas on the profession;
- (d) support, mentorship and coaching programmes;
- (e) coordinate welfare programs for the members;
- (f) participate in corporate social responsibilities on behalf of the Institute; and
- (g) perform any other function that shall be assigned by the Council from time to time.

**Staff of
Institute.**

18. The Institute may employ such number of staff as the Institute may require for the discharge of its functions.

PART III— FINANCIAL PROVISIONS

**Funds of the
Institute.**

19. The funds of the Institute shall comprise of—

- (a) such moneys as may be appropriated by the National Assembly for purposes of the Institute;
- (b) such moneys, revenue or assets as may accrue to or vest in the Institute in the course of the exercise of its powers or the performance of its functions under this Act or under any other written law;
- (c) funds accruing from investments made by the Institute;
- (d) a proportion of at least fifteen per cent of the surplus of the fees collected under section 32(2)(d);
- (e) such gifts, grants, loans or donations, made to the Institute; and
- (f) money from any other source received by the Institute in the performance of its functions under this Act.

Financial Year. 20. The financial year of the Institute shall be the period of twelve months beginning on the first day of July and ending on the thirtieth of June each year.

Annual estimates 21. (1) 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 Institute for that year.

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

- (a) the payment of the allowances and other charges in respect of members of the Council;
- (b) the payment of salaries, allowances, pensions, gratuities and other charges in respect of the staff of the Institute;
- (c) the proper maintenance of the buildings and grounds of the Institute; and
- (d) the maintenance, repair and replacement of the equipment, machinery and other property of the Institute.

(3) The annual estimates shall be approved by the Cabinet Secretary before the commencement of the financial year to which they relate.

Accounts and audit. 22. (1) The Council shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of the Institute.

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

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

(b) a balance sheet of the Institute on the last day of that year.

No. 34 of 2015

(3) The accounts of the Institute shall be audited and reported upon in accordance with the Public Audit Act, 2015.

PART IV— MEMBERSHIP OF THE INSTITUTE

**Establishment of
the Registration
Committee.**

23. (1) There is established the Registration Committee of the Institute.

(2) The Registration Committee shall consist of—

- (a) a Chairperson, who shall be appointed by the Council from among members of the Council;
- (b) three persons, competitively appointed by the Council, from among members of the Institute;
- (c) the Attorney-General or a representative designated in writing;
- (d) the Director-General of the Public Procurement Regulatory Authority or a representative designated in writing;
- (e) the Chief Executive Officer; and
- (f) the Executive Director, who shall be the Registrar of the Committee.

(3) The Registration Committee shall —

- (a) receive, consider and approve applications for registration of members of the Institute;
- (b) issue membership cards and practising licences to members of the Institute;
- (c) monitor compliance with professional standards published by the Council from time to time;
- (d) keep an updated register of the members of the Institute;

- (e) advise the Council on matters pertaining to professional and other standards necessary for the achievement of quality assurance; and
- (f) perform any other function that may be assigned by the Institute.

Categories of membership

24. The membership of the Institute shall be classified as—

- (a) Fellows, comprising of persons registered as such pursuant to section 25;
- (b) members, comprising of persons registered as such pursuant to 26;
- (c) associate members, comprising persons registered as such pursuant to section 27; and
- (d) corporate members, comprising of institutions registered pursuant to section 29.

Registration as a Fellow.

25. (1) A person may apply to the Council for registration as a Fellow, where that person—

- (a) is a registered member of the Institute, in good standing; and
- (b) has at least twenty years' professional experience in supply chain management; ten of which shall be in a position of leadership.

(2) The Council may, on consideration of an application under sub-section (1), and upon payment of the prescribed fees, recommend the appointment of the applicant as a Fellow, to the Cabinet Secretary.

(3) A person duly registered as a Fellow shall bear the title “Fellow of the Institute of Supply Chain Management of Kenya” and designatory letters FKISCM.

Registration as a member of the Institute.

26. (1) A person may apply to the Registration Committee for registration as a member of the Institute where that person—

- (a) holds a certificate, diploma or degree in a relevant field, from an institution of higher education recognized in Kenya; and

(b) has undergone a professional course prescribed by the Examinations Board, and on completion, has been issued with a certificate.

(2) The Registration Committee may, on consideration of an application under subsection (1), and upon payment of the prescribed fees, register the applicant as a Member of the Institute

(3) A person duly registered as a Member of the Institute shall bear the title “Member of the Institute of Supply Chain Management of Kenya” and designatory letters MKISCM.

Registration as an associate member of the Institute.

27. (1) A person may apply to the Registration Committee for registration as an Associate Member of the Institute, where that person –

(a) holds a certificate, diploma or degree, in a relevant field, from an institution of higher education, recognised in Kenya;

(b) is registered by the Examinations Board, as a student; and

(c) is in the process of undertaking such professional course as may be prescribed by the Examinations Board.

(2) The Registration Committee may, on consideration of an application under subsection (1), register the applicant as an Associate Member of the Institute.

(3) A person who is duly registered as Associate of the Institute shall bear the title “Associate Member of the Institute of Supply Chain Management of Kenya and designatory letters AKISCM.

Recognition of Honorary Members.

28. (1) Where the Council considers that a person, not being a registered member of the Institute, has rendered exceptional services to the Institute or the supply chain management profession, the Council may, invite the person to become a Honorary Member of the Institute.

- (2) A person registered under this section shall not be considered as a member of the Institute.
- Corporate members**
- 29.** A person may apply to the Registration Committee to be registered as a corporate member where—
- (a) the person is duly incorporated pursuant to the provisions of the Companies Act; and
 - (b) the directors of the company are registered as members of the Institute.
- Rights of a registered member.**
- 30.** (1) A person registered as a Fellow or member of the Institute pursuant to section 25 and 26 shall have the right to—
- (a) participate in making decisions on behalf of the Institute, including voting at an election of the Institute;
 - (b) vie for an elective office in the Institute; and
 - (c) be nominated by the Council to represent the Institute at a Constitutional, statutory, international body or a Committee of the Institute or other Committee where the representation of the Institute is required.
- Certificate of Membership.**
- 31.** The Chairperson of the Registration Committee and the Executive Director shall sign and issue a certificate of membership to a person registered under this Act.
- Register of members.**
- 32.** (1) The Executive Director shall maintain a register of the members of the Institute which shall contain—
- (a) the names and particulars of members of the Institute;
 - (b) the names of persons issued with a practising licence;
 - (c) particulars of cancellation of registration of any person;
 - (d) orders issued by the Disciplinary Committee against a member of the Institute; and
 - (e) such other details as the Council may determine.

(2) The Register of members shall be a public document and may be open to inspection on payment of the prescribed fees.

Requirement to take out a practicing licence.

33. (1) A person who is registered as a member of the Institute pursuant to sections 25, 26 and 29 of this Act, shall take out a practicing licence.

(2) An Application for a practising licence shall be made to the Chairperson of the Registration Committee—

- (a) by delivering an application in duplicate, signed by the applicant specifying his or her name, place of business and membership number; and
- (b) be accompanied by the prescribed fees.

(3) the Registration Committee shall, where satisfied that the name of the applicant is on the Register of Members and that he or she is not for the time being suspended from practice, issue to the applicant a practising licence.

Validity of a practising licence.

34. (1) A practicing licence issued under this Act shall be valid from the 1st January to 31st December.

(2) Despite subsection (1) a practising licence shall bear the date of the day on which it is issued and shall have effect from the beginning of that day.

Appeal and Review of the decisions of the Registration Committee

35. (1) A person, aggrieved by a decision of the Registration Committee may—

- (a) apply for a review of the decision where —
 - (i) no appeal is preferred;
 - (ii) there is an apparent error on the face of the record; or
 - (iii) the applicant has discovered new information, which after due diligence, was not within the applicant's knowledge at the time of making the application; or

(b) appeal to the Council.

(2) A further appeal against the decision of the Council shall lie with the High Court

PART V— MEETINGS OF THE INSTITUTE

The General Meeting.

35. (1) There shall be a General Meeting of the Institute which shall be the supreme authority of the Institute.

(2) The General Meeting shall be held once, every calendar year and shall consist of registered members of the Institute.

(3) The quorum of the General Meeting shall be at least ten percent of all the members of the Institute.

(4) The Chairperson shall preside at the General Meeting, provided in the absence of the Chairperson, the Council shall nominate one among its members to preside at the meeting.

(5) The Chairperson shall present to the General Meeting a report of the activities of the Institute in the immediately preceding year.

Special General Meeting of the Institute.

36. (1) The Institute may convene a Special General Meeting where—

(a) at least ten percent of the members of the Institute issue a notice to the Council, requesting for the Special General Meeting; or

(b) the Council, passes a resolution to hold such a meeting, subject to giving a thirty days' notice to the members of the Institute.

(2) A notice requisitioning a Special General Meeting under subsection (1)(a) shall—

(a) be in writing;

(b) be signed by at least ten percent of the members of the Institute;

(c) specify the objects of the proposed meeting; and

(d) be submitted to the Executive Director of the Institute.

(3) The Council shall, within fourteen days of receiving a requisition under sub-section (2), convene a Special General Meeting of the Institute.

Resolutions of the Institute

37. (1) A resolution of the Institute in a meeting under this part shall be by simple majority vote.

(2) A member of the Institute, who is entitled to vote, shall have one vote, and the Chairperson shall have a casting vote.

PART VI— ESTABLISHMENT OF THE SUPPLY CHAIN MANAGEMENT EXAMINATIONS BOARD.

Establishment of the Supply Chain Management Examinations Board.

38. (1) There is established the Supply Chain Management Examinations Board.

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

- (a) suing and being sued;
- (b) purchasing, acquiring, holding, charging or disposing of property;
- (c) borrowing and lending money; and
- (d) doing or performing all such other acts necessary for the proper performance of its functions under this Act.

Composition of the Examinations Board.

39. (1) The Examinations Board shall comprise of—

- (a) a Chairperson, who shall be competitively recruited by the Council and appointed by the Cabinet Secretary;
- (b) the Cabinet Secretary responsible for Finance or a representative designated in writing;
- (c) the Attorney General or a representative designated in writing;

- (d) one person nominated by the Cabinet Secretary responsible for Education, from the Kenya National Examination Council, in writing;
 - (e) the Director- General of the Public Procurement Regulatory Authority or a representative designated, in writing; and
 - (f) four Members of the Institute competitively appointed by the Council.
- (2) The Examinations Board, may, co-opt such number of persons, whose knowledge and expertise may be necessary, for such period as it may determine.
- (3) The Chairperson and members of the Examinations Board, shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

Qualifications for appointment of Chairperson and members of the Examinations Board.

- 40.** (1) A person is qualified for appointment as the Chairperson of the Examinations Board where that person—
- (a) is a Kenyan citizen;
 - (b) is a registered member of the Institute, in good standing;
 - (c) has at least fifteen years’ professional experience in supply chain management; five of which shall be in examinations management;
 - (d) holds a valid practicing licence; and
 - (e) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.
- (2) A person is qualified for appointment as a member of the Examinations Board under section 39(1)(f) where that person—
- (a) is a Kenyan citizen;

- (b) is a registered member of the Institute, in good standing;
- (c) has at least ten years' experience in supply chain management;
- (d) holds a valid practicing licence; and
- (e) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

Removal of the Chairperson and members of the Examinations Board.

41. (1) The Chairperson or a member of the Examinations Board may be removed from office for—

- (a) absence without justifiable cause, from three consecutive meetings of the Examinations Board;
- (b) conviction of an offence whose term of imprisonment exceeds six months, without the option of a fine;
- (c) incapacitation by physical or mental illness from performing his or her duties as a member of the Examinations Board;
- (d) incompetence or neglect of duty; or
- (e) being adjudged bankrupt.

(2) The office of the Chairperson or a member appointed under section 39(1) (f) shall become vacant where the holder of the office—

- (a) dies;
- (b) resigns, in writing, addressed to the Council; or
- (c) is removed from office pursuant to subsection (1).

Functions of the Examinations Board.

42. (1) The Examinations Board shall be responsible for the conduct of examinations for qualification and certification of supply chain management professionals.

(2) Despite the generality of subsection (1), the Examinations Board shall—

- (a) set and enforce standards relating to the mode and quality examinations for supply chain management professionals;
- (b) develop curricula and mode of instruction for supply chain management professional qualification and certification for persons seeking registration under this Act;
- (c) prepare and conduct examinations for professional qualification and certification of supply chain management professionals;
- (d) determine the fees and other charges payable with respect to such examinations;
- (e) issue certificates to candidates who have satisfied examination and certification requirements;
- (f) promote and carry out research relating to supply chain management examinations, education providers and programmes;
- (g) promote recognition of the Examination Boards' examinations locally and internationally; and
- (h) perform such other functions as may be necessary for proper administration of this Act.

Powers of the Examinations Board.

43. In the performance of the functions under section 42, the Examinations Board may—

- (a) call for any document;
- (b) conduct investigations;
- (c) issue summons to any person;
- (d) administer an oath;
- (e) investigate and determine cases involving indiscipline by students registered with the Examinations Board; and
- (f) publish the name of a person who has successfully completed the certified supply chain management professional course, in the Gazette

Chief Executive Officer

44. (1) The Examinations Board shall, through an open and transparent process appoint a suitably qualified person to be the Chief Executive Officer.

(2) A person shall be qualified for appointment as the Chief Executive Officer where that person—

- (a) is a Kenyan Citizen;
- (b) holds a degree in a relevant field of study from a university recognised in Kenya;
- (c) holds a post-graduate professional qualification in supply chain management from a recognised institution;
- (d) has at least ten years' professional experience in a senior management position in supply chain management;
- (e) is a registered member of the Institute, in good standing;
- (f) holds a valid practicing licence; and
- (g) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

(3) The Chief Executive Officer shall be responsible for the day-to-day management of the staff and affairs of the Examinations Board and shall be an ex-officio member of the Board.

(4) The Chief Executive Officer shall hold office for a term of four years but shall be eligible for re-appointment for a further term of four years.

(5) The Chief Executive Officer may be removed from office on any of the following grounds—

- (a) violation of the Constitution or any other written law;

- (b) conviction of an offence whose term of imprisonment exceeds six months, without the option of a fine;
- (c) incapacitation by physical or mental illness;
- (d) incompetence or neglect of duty; or
- (e) bankruptcy.

- (6) The office of the Chief Executive Officer shall become vacant where the holder of the office—
- (a) dies;
 - (b) resigns, in writing, addressed to the appointing authority;
 - (c) upon expiry of his or her term of office; or
 - (d) is removed from office pursuant to subsection (5).

**Corporation
Secretary to the
Examinations
Board.**

45.(1) The Examinations Board shall, through an open and transparent process appoint a person qualified in terms of the law governing the practice of public secretaries in Kenya, to serve as the Corporation Secretary.

(2) The Corporation Secretary shall—

- (a) provide guidance to the Examinations Board on matters of governance;
- (b) advise the Examinations Board on the law, rules and regulations, applicable in carrying out its mandate;
- (c) provide secretarial services to the Examinations Board, including preparation and circulation of the minutes of the Examinations Board;
- (d) keep custody of the Seal and a record of its usage; and
- (e) perform any other duties that may be assigned by the Institute.

(3) The Corporation Secretary shall serve on such terms and conditions as the Examinations Board may determine.

**Staff of
Examinations
Board.**

46. The Examinations Board may employ such number of staff as the Examinations Board may require for the discharge of its functions.

PART VII – FINANCIAL PROVISIONS

**Funds of the
Examinations
Board.**

47. The funds of the Examinations Board shall comprise—

- (a) such monies as may be appropriated by the National Assembly for purposes of the Examinations Board;
- (b) such monies, revenue or assets as may accrue to or vest in the Examinations Board in the course of the exercise of its powers or the performance of its functions under this Act or under any other written law;
- (c) funds accruing from investments made by the Examinations Board;
- (d) such gifts, grants, loans or donations, made to the Examinations Board; and
- (e) money from any other source received by the Examinations Board in the performance of its functions under this Act.

Financial Year.

48. The financial year of the Examinations Board shall be the period of twelve months ending on the thirtieth of June each year.

**Annual
estimates.**

49. (1) At least three months before the commencement of each financial year, the Examinations Board shall cause to be prepared estimates of the revenue and expenditure of the Examinations Board for that year.

(2) The annual estimates shall make provision for all estimated expenditure of the Examinations Board for the financial year and in particular, the estimates shall provide for—

- (a) the payment of the allowances and other charges in respect of members of the Examinations Board;
 - (b) the payment of salaries, allowances, pensions, gratuities and other charges in respect of the staff of the Examinations Board;
 - (c) the proper maintenance of the buildings and grounds of the Examinations Board; and
 - (d) the maintenance, repair and replacement of the equipment, machinery and other property of the Examinations Board.
- (3) The annual estimates shall be approved by the Cabinet Secretary before the commencement of the financial year to which they relate.

**Accounts and
audit.**

50. (1) The Bard shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of the Examinations Board.

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

- (a) a statement of the income and expenditure of the Examinations Board during that year; and
- (b) a balance sheet of the Examinations Board on the last day of that year.

No. 34 of 2015

(3) The accounts of the Examinations Board shall be audited and reported upon in accordance with the Public Audit Act, 2015.

PART VIII— DISCIPLINE

Code of Ethics. **51.** The members of the Institute shall subscribe to a Code of Ethics prescribed by the Council.

Establishment of the Disciplinary Committee. **52.** (1) There is established the Disciplinary Committee, which shall be responsible for hearing and determining disciplinary issues arising from a violation of the code of ethics prescribed under section 51.

(2) The Disciplinary Committee shall consist of—

- (a) a Chairperson shall be appointed by the Council from amongst members of the Council;
- (b) the Attorney-General or a representative nominated in writing;
- (c) one person nominated by the Law Society of Kenya;
- (d) the Director-General of Public Procurement Regulatory Authority or a representative designated in writing; and
- (e) three persons who shall be competitively appointed by the Council from among members of the Institute.

(3) The Executive Director of the Institute shall be the Secretary of the Disciplinary Committee.

(4) The members of the Disciplinary Committee appointed pursuant to subsection (2) (a) and (e), shall serve for a term of three years but shall be eligible for re-appointment for a further single term of three years.

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

(6) The Disciplinary Committee shall hear and determine a matter presented before it within thirty days.

Powers of the Disciplinary Committee.

53. The Disciplinary Committee may, upon hearing a complaint against a member of the Institute order that—

- (a) such member be admonished;
- (b) such member be suspended from membership of the Institute for a specified period not exceeding five years;
- (c) such member pays a fine not exceeding one hundred thousand shillings; or
- (d) such combination of the above orders as the Committee thinks fit.

Appeal and Review of the decisions of the Disciplinary Committee

54. (1) A person, aggrieved by a decision of the Disciplinary Committee may—

- (a) apply for a review of the decision where —
 - (i) no appeal is preferred;
 - (ii) there is an apparent error on the face of the record; or
 - (iii) the applicant has discovered new information, which after due diligence, was not within the applicant's knowledge at the time of making the application; or
- (b) appeal to the Council.

(3) A further appeal against the decision of the Council shall lie with the High Court.

PART IX — PROVISIONS ON DELEGATED AUTHORITY

Power to make delegated legislation

55. The Cabinet Secretary may, in consultation with the Council prescribe regulations for—

- (a) registration of members of the Institute;
- (b) election of members of the Council;
- (c) appointment of members of the Examinations Board;

- (d) recognition of Honorary Members;
- (e) the procedure for lodging a complaint against a member of the Institute;
- (f) procedure for convening a meeting of the Institute;
- (g) examinations and training;
- (h) application and issuance of practicing licence;
- (i) fees;
- (j) continuous professional development;
- (k) the practice of supply chain management;
- (l) fellows charter; and procedure to attain fellowship and the roles and privileges of Fellows.
- (m) discipline;
- (n) procedure for swearing in and assumption of office of the Chairperson and council members;
- (o) welfare of the members of the Institute;
- (p) meetings; or
- (q) any other matter necessary for the proper administration of the Act.

PART X— MISCELLANEOUS PROVISIONS

Remuneration. **56.** The Chairperson members and the staff of the Institute and Examinations Board shall be paid such remuneration or allowances as the Institute and Examinations Board may, on the advice of the Salaries and Remuneration Commission, determine.

Annual Report. **57.** (1) The Council and the Examinations Board shall, at the end of each financial year cause an annual report to be prepared.

(2) The annual report shall contain in respect of the year to which it relates—

- (a) the financial statements of the Council and Examinations Board;
- (b) a description of the activities of the Council and Examinations Board;

(c) any impediments to the achievements of the objects and functions; and

(d) recommendations made by the Council or Examinations to any person.

(3) The Council and Examinations Board shall submit the annual report to the Cabinet Secretary and the Parliament three months after the end of the year to which it relates.

(4) The annual report shall be published and publicized in such other manner as the Council or Examinations Board may determine.

Protection from personal liability.

58. The Council, Examinations Board or members of staff shall not be liable for loss or damage sustained by any person as a result of any action or omission done or made in good faith and without negligence in the performance of any duty or power conferred by this Act.

Conduct of business

59. The Conduct and regulation of the business and affairs of the Council and Examinations Board shall be as provided in the First Schedule to this Act.

General Penalty.

60. Any person who contravenes the provisions of this Act commits an offence and is liable, on conviction, to a fine not exceeding one million shilling or to a term of imprisonment not exceeding three years or to both.

Offences by persons not eligible to be registered

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

Offences by persons not

(2) Any person who, not being eligible to be registered or licensed under this Act, practices for gain as a supply chain

- eligible to be licensed.** management professional, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.
- Offences by person eligible to be registered or licensed. **62.** Any person who, though eligible to be registered or licensed under this Act, is not so registered or licensed and practices as a supply chain management professional commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.
- Offences by persons conducting training courses or examinations without authority. **63.** Any person, being the owner, manager, trainer or otherwise directly involved in the establishment or management of a training institution which is not approved by the relevant government agencies commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.
- Employment of unregistered staff. **64.** Any person who, knowingly employs a person who is not registered or licensed as a supply chain management professional, commits offence and is liable upon conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.
- Falsification of registers or records. **65.** Any person who willfully makes or causes to be made any false entry in, or falsification of, any register or record kept under this Act, or who procures or attempts to procure himself or any other person to be registered or licensed under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

PART XI— TRANSITIONAL PROVISIONS

Transitional provisions.

66. At the commencement of this Act, the Institute and the Examinations Board shall be deemed to continue operations and continue their existence as the Institute or the Examinations Board as the case may be, under the provisions of this Act.

(2) The Chairperson and members of the Council of the Institute who are in office immediately before the commencement of this Act shall be deemed to have been elected within the meaning of section 10, pending the expiry of their term of office.

(3) The Chairperson and members of the Examinations Board who are in office immediately before the commencement of this Act shall be deemed to have been appointed within the meaning of section 39 of this Act, pending the expiry of their term of office.

(4) The Executive Director, Chief Executive Officer and members of staff who are in office immediately before the commencement of this Act shall be deemed to have been appointed within the meaning of sections 15 and 44 respectively, pending the expiry of their term of office.

(5) A registration certificate or practicing licence or written authority to practise issued by the Council and in force shall at the commencement of this Act be deemed, as the case may be, to have been issued in accordance with the provisions of this Act:

(6) A certificate of qualification issued by the Examinations Board at the commencement of this Act shall be deemed to have been issued under the provisions of this Act.

(7) Anything done by the Institute or the Examinations Board established having effect before the commencement of this Act, shall be deemed to have been done by the Institute or the Examinations Board as the case may be, under the provisions of this Act.

(8) The funds, assets and other property, both movable and immovable, which immediately before such date were vested in the Institute or Examinations Board shall by virtue of this sub-section, vest in the new Institute and Examinations Board under this Act.

(9) The powers and liabilities, whether arising under any written law or otherwise which immediately before such date were vested in, imposed on or enforceable against the Institute or Examinations Board shall, by virtue of this sub-section, be deemed to be vested in, imposed on or enforceable against the respective new Institute and Examinations Board.

Repeal.

67. The Supplies Practitioners Management Act, 2007 is hereby repealed

FIRST SCHEDULE

(s.59)

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE INSTITUTE AND THE EXAMINATIONS BOARD

Interpretation.	<p>1. In this schedule, the word— “Board” means the board of management of the Institute Examinations Board; and “Chairperson” means the Chairperson of the Institute or Examinations Board.</p>
Number of Board meetings.	<p>2. The Board shall meet as often as necessary for the transaction of business but shall meet not less than four times every financial year and not more than four months shall elapse between the date of one meeting and the next.</p>
The Chairperson to preside all meetings.	<p>3. (1) The Chairperson shall preside at every meeting of the Board at which the Chairperson is present but in the absence of the Chairperson, the members of the Board present shall appoint a member from among their number to preside at that meeting. (2) The Chairperson or, in the absence of the Chairperson or member of the Board appointed by the Board, as the case may be, to act in the place of the Chairperson, may at any time call a special meeting upon a written request by a majority of the members of the Board.</p>
Notice of meeting.	<p>4. Unless five members of the Board otherwise agree, at least seven days' written notice of every meeting of the Board shall be given to every member of the Board.</p>
Decision of the Board to be by majority.	<p>5. Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of the members of the Board present, as the case may be, and</p>

- in the case of an equality of votes, the Chairperson presiding shall have a casting vote.
- Recording of dissenting opinion. **6.** Any member of the Board present at a meeting of the Board or a Committee thereof, shall have the right to require his opinion to be recorded in the minutes where the Board or the Committee, as the case may be, passes a resolution, which in the opinion of that member is contrary to his advice or to law.
- Disclosure of interest. **7.** A member of the Board who has a direct or indirect interest in a matter being considered or to be considered by the Board shall, as soon as possible after the relevant facts concerning the matter have come to his knowledge, disclose the nature of his interest to the Board and shall not be present during any deliberations on the matter.
- Recording and keeping of minutes. **8.** The Board shall cause the minutes of all proceedings of its meetings to be recorded and kept, and the minutes of each meeting shall be confirmed by the Board at the next meeting of the Board and signed by the Chairperson or the member presiding at the meeting.
- Quorum. **9.** (1) Subject to subsection (2), five members of the Board shall constitute a quorum for the conduct of business at any meeting of the Board.
(2) When there is no quorum for the continuation of a meeting of the Board, only because of the exclusion of a member of the Board under paragraph 7, the other members present may, where they deem it expedient so to do—
(a) postpone the consideration of that matter until there is a quorum; or
(b) proceed to consider and decide the matter as if there was quorum.

SECOND SCHEDULE

(s.17)

CHAPTERS OF THE INSTITUTE

1. Nairobi
2. Coast
3. Nyanza
4. South Rift
5. North Rift
6. Western
7. Central
8. North Eastern
9. South Eastern

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