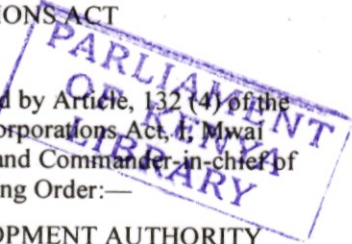


(Legislative Supplement No. 10)

LEGAL NOTICE NO. 23

THE STATE CORPORATIONS ACT  
(Cap. 446)

IN EXERCISE of the powers conferred by Article, 132 (4) of the Constitution and section 3 (1) of the State Corporations Act, I, Mwai Kibaki, President of the Republic of Kenya and Commander-in-chief of the Kenya Defence Forces, make the following Order:—



THE KONZA TECHNOPOLIS DEVELOPMENT AUTHORITY  
ORDER, 2012

PART I—PRELIMINARY

1. This Order may be cited as the Konza Technopolis Development Authority Order, 2012.

Citation.

2. In this Order unless the context otherwise requires—

Interpretation.

“Area” means all that parcel of land known as L.R. 9918/6 located within Makeni and Machakos Counties measuring approximately 2023.6 hectares;

“Authority” means the Konza Technopolis Development Authority established under Paragraph 3 of this Order;

“Board” means the Konza Technopolis Development Authority Board established under paragraph 5 of this Order;

“buffer zone” means parcels of land lying within a delineated 10 kilometer radius from the Area;

“Chief Executive Officer” means the Chief Executive Officer appointed under paragraph 10 of this Order.

“Minister” means the Minister for the time being responsible for matters relating to information and communications technology.

PART II—ESTABLISHMENT OF THE AUTHORITY

3. (1) There is established an Authority to be known as the Konza Technopolis Development Authority.

Establishment of the Authority.

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

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) borrowing or lending money;

- (d) entering into contracts; and
- (e) doing or performing such other things or acts necessary for the proper performance of the functions of the Authority under the Order and which may lawfully be done or performed by a body corporate.
- Headquarters** 4. The Headquarters of the Authority shall be in Nairobi.
- Board of the Authority** 5 (1) The Authority shall be managed by a Board comprising of—
- (a) a non-executive chairperson appointed by the President
- (b) the Permanent Secretary to the Treasury;
- (c) the Permanent Secretary in the Ministry for the time being responsible for matters relating to information and communications technology;
- (d) two persons of opposite gender, being public officers, appointed by the Minister in consultation with the Public Service Commission,
- (e) not more than seven other members, two of whom shall be of the opposite gender and not being employees of the Authority nor public officers, appointed by the Minister in consultation with the Public Service Commission by virtue of their qualifications, knowledge or experience in matters relating to the development of special economic zones, information and communications technology, science parks infrastructure, economics or taxation, and
- (f) the Chief Executive Officer appointed under Paragraph 10 (1).
- Term of office** 6. The chairperson and members of the Board appointed under paragraph 5 (d) and (e) shall serve for a term of three years and shall be eligible for appointment for one further term
- Disqualification of Board Member** 7. The chairperson or a member of the Board appointed under paragraph 5 (d) and (e) shall cease to hold office if he—
- (a) resigns from office in writing to the appointing authority,
- (b) is absent without reasonable excuse from three consecutive meetings of the Board of which he has had notice,
- (c) is adjudged bankrupt;
- (d) is incapacitated by prolonged physical or other illness,
- (e) is convicted of any offence in contravention of the tenets of Chapter Six of the Constitution; or
- (f) is otherwise unable or unfit to discharge the functions of the Board.
- Functions of the Board** 8. The functions of the Board shall be to—
- (a) develop all aspects of the Area with particular emphasis on—

- (i) developing integrated infrastructural facilities, and
  - (ii) provision of advice to the Government on the removal of impediments to, and creation of incentives for trade, services and manufacturing in the Area;
- (b) regulate and administer approved activities within the Area, through implementation of a system in which the Area enterprises are self regulatory to the maximum extent possible,
  - (c) generate additional economic activities in the Area,
  - (d) plan for the development of the Area and initiate project activities identified for such planning through Government,
  - (e) develop and keep up to date a long term development plan for the Area,
  - (f) initiate studies, and carry out surveys of the Area as may be considered necessary by the Government or the Authority, and to assess the alternative and substitute demands within the Area on the available resources,
  - (g) co-ordinate the various studies of, and schemes within the Area so that human, land, energy, water and other resources are utilized to the best advantage and monitor the design and execution of planned projects within the Area,
  - (h) effect a programme of both monitoring and evaluation of the performance of any project within the Area so as to improve that performance, establish responsibility and improve planning,
  - (i) cause the construction of any works necessary for the protection and preservation of natural resources within the Area,
  - (j) maintain liaison between the Government, the private sector and other Government agencies including but not limited to any specialized economic zone agency, in matters of development of the Area with a view to maximizing resource utilization and benefits to the people of Kenya;
  - (k) liaise with relevant government institutions to promote both locally and internationally the opportunities for investment in information and communications technology and such other industrial activities of the Area,
  - (l) facilitate and manage information and communication technology, industrial incubation parks and science and technology parks together with related facilities within the Area and buffer zone,
  - (m) liaise with the Machakos and Makueni County Authorities to ensure developments within the buffer zone are in line with the permitted standards of the Area.
  - (n) liaise with Machakos and Makueni County Authorities in

coordinating regulatory matters relating to investment requirements of the Area

- (o) carry out any other activity that the Board considers necessary for the promotion and facilitation of development of information and communications technology products and services within the Area.

Meetings of the Board

9. (1) The chairperson shall preside over all meetings and in the absence of the chairperson; the other members present at the meeting shall appoint one of the members to act as chairperson for the purpose of that meeting.

(2) The quorum for the Board meeting shall be two-thirds of the members.

(3) The Board may co-opt, for such period as it may deem fit, not more than three persons whose assistance or advice it may require, but the persons so co-opted shall not be considered as members for the purpose of forming a quorum and shall not be entitled to vote at any meeting of the Board.

(4) Every decision of the Board shall be by a simple majority of the members present and voting but the chairperson or the person appointed to be the chairperson under sub-paragraph (1) shall have a casting as well as a deliberative vote.

(5) Subject to this Order, the Board may regulate its own proceedings.

Chief Executive Officer and other staff

10 (1) There shall be a Chief Executive Officer of the Authority appointed by the Minister in consultation with the Board.

(2) The Chief Executive Officer shall be the secretary to the Board

(3) The Chief Executive Officer shall hold office for such period and on such terms and conditions of employment as the Board may determine with the approval of the Minister.

(4) The Board may appoint other officers and employees as it deems necessary upon such terms and conditions as it deems proper for the efficient operation of the Authority.

(5) The Board shall pay remuneration, fees, allowances and such other reimbursement to members of the Board and staff of the Authority as may be approved by Treasury.

(6) The Board may delegate any of its powers to any of its committees or to the Chief Executive Officer.

Execution of documents.

11. (1) The common seal of the Board shall be authenticated by the signature of the Chairperson and the Chief Executive Officer, or by either the Chairperson or the Chief Executive Officer, together with one member other than an *ex officio* member of the Board authorized in writing by the Board in that behalf.

(2) Any document, other than a document which is required by any law to be under seal, made and any decision of the Board, may be signified under the hand of the Chairperson, or the Chief Executive

Officer or any other member of the Board or any other person authorized in writing by the Board in that behalf.

12. (1) Neither the Board, any of its members nor any officer, employee or servant of the Authority shall be personally liable for an act which is done or purported to be done in good faith by such person, on the direction of the Board or in the performance of any duty or in the exercise of any power under this Order.

Protection from liability

(2) Any expenses incurred by any person referred to in subsection (1) in any suit or prosecution brought against him before any court in respect of any act which is done or purported to be done by him under this Order on the direction of the Board shall, if the court holds that such act was done in good faith be paid out of the general fund of the Authority, unless such expenses are recovered by him in such suit or prosecution

### PART III—FINANCIAL PROVISIONS

13. (1) The funds of the Authority shall consist of—

Funds for the Authority

- (a) such moneys as may be provided by Parliament for the purposes of the Authority;
- (b) such moneys or assets as may accrue or vest in the Authority in the course of the performance of its functions under this Order; and
- (c) such moneys as may be payable to the Authority pursuant to this Order or any written law or pursuant to any gift or trust.

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

Financial year

15. (1) At least four months before the commencement of each financial year, the Board shall cause to be prepared estimate of the revenue and expenditure for that year.

Annual estimates.

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

- (a) the payment of the salaries, allowances and other charges in respect of the members of the Board and the staff of the Authority;
- (b) the payment of pensions, gratuities and other charges in respect of retirement benefits to staff of the Authority;
- (c) the proper maintenance of the buildings and ground of the Authority;
- (d) the proper maintenance, repair and replacement of the equipment and other movable property of the Authority; and
- (e) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment or in

respect of such other matters as the Board may consider necessary.

(3) The annual estimates shall be submitted to the Board for approval before the commencement of the financial year to which they relate provided that once approved, the sum provided in the estimate shall not be increased without a prior consent of the Board.

(4) No expenditure shall be incurred for the purposes of the Authority except in accordance with the annual estimates approved under sub paragraph (3) or in pursuance of an authorization by the Board

Accounts and audit

16 (1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Authority

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

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

No 12 of 2003

(3) The accounts of the Authority shall be audited in accordance with the Public Audit Act.

(4) Within a period of six months after the end of the financial year, the Auditor-General shall report on the examination and audit of the accounts of the Authority to the Board and to the Minister.

(5) Nothing in this Order shall be construed to prohibit the Auditor-General from carrying out an inspection of the Authority's accounts or records whenever it appears to him desirable so to do and the Auditor-General shall carry out such an inspection at least once every six months.

Investment of funds

17. (1) The Board may invest any of the funds of the Authority which are not immediately required for its purposes in such securities as Treasury may, from time to time, approve.

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

Dated the 28th March, 2012

MWAI KIBAKI,  
*President.*