

(Legislative Supplement No. 12)

LEGAL NOTICE No. 22

THE STATE CORPORATIONS ACT

(Cap. 446)

IN EXERCISE of the powers conferred by section 3 (1) of the State Corporations Act, I, Uhuru Kenyatta, President of the Republic of Kenya and Commander-in-Chief of the Kenya Defence Forces, make the following Order:—

THE KENYA SPACE AGENCY ORDER, 2017

PART I—PRELIMINARY

1. This Order may be cited as the Kenya Space Agency Order, 2017. Citation

2. In this Order— Interpretation.
Cap. 446

“Act” means the State Corporations Act;

“Agency” means the Kenya Space Agency established under paragraph 3;

“Board” means the Board of the Agency appointed under paragraph 6;

“Director-General” means the person appointed under paragraph 11;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for Defence;

“Committee” means the State Corporations Advisory Committee;

“member” means a person appointed to the Board under paragraph 6(1)(i).

PART II—ESTABLISHMENT, POWERS AND FUNCTIONS OF
KENYA SPACE AGENCY

3. (1) There is hereby established a state corporation to be known as the Kenya Space Agency. Establishment of the
Agency.

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

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

- (d) doing or performing any such other thing or act, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Order which may lawfully be done by a body corporate

(3) The Agency shall be the successor to the National Space Secretariat existing immediately before the commencement of this Order, and upon such commencement and subject to this Order, all rights, duties, assets and liabilities held by Government on account of that Secretariat shall be automatically and fully transferred to the Agency, and any reference to the National Space Secretariat in any contract or document shall, for all purposes, be deemed to be a reference to the Agency.

(4) The headquarters of the Agency shall be in Nairobi, but the Agency may establish branches at any place in Kenya.

(5) The Cabinet Secretary shall have ministerial responsibility with respect to the Agency.

4. The functions of the Agency shall be to—

Functions of the Agency.

- (a) co-ordinate and regulate space related activities in the country;
- (b) implement the Kenya space policy and any related programmes;
- (c) recommend and advise the Government on the development of relevant legislation to facilitate the successful implementation of Kenya space programme;
- (d) advise the government on the legislative and other measures necessary for the implementation of the relevant Conventions, Treaties and Agreements that Kenya is a party;
- (e) recommend national space policies, strategies and programmes;
- (f) promote capacity building in space science and technology and its applications;
- (g) establish centres of excellence in space science;
- (h) enter into mutually beneficial bilateral and multilateral agreements with persons, agencies, governments or bodies in furtherance of its mandate;
- (i) identify, prepare and facilitate the implementation of inventions and innovations in space technologies;
- (j) provide leadership in coordinating and supporting research in space science and technology;
- (k) liaise with the relevant institutions and Government agencies to ensure funding and implementation of space programmes;

- (l) promote awareness and appreciation at all levels of Kenyan society on the relevance and benefits of space science and technology; and
- (m) perform such other functions as the Cabinet Secretary may, from time to time, assign the Agency.

5. (1) In the performance of its functions the Agency shall have powers—

Powers of the Agency.

- (a) to establish advisory space committees from time to time to assist in any specified duties in carrying out its function;
- (b) to manage, control and administer the assets of the Agency in such manner and for such purposes as best promote the purpose for which the Agency is established;
- (c) to determine the provisions to be made for capital and recurrent expenditure and for reserves of the Agency;
- (d) to enter into association with any persons, agencies, governments or bodies within or outside Kenya as the Agency may consider appropriate and in furtherance of the purpose for which the Agency is established;
- (e) to receive any gift, grant, donation or endowments made to the Agency or any other moneys in respect of the Agency and make legitimate disbursements there from in accordance with the provisions of this Order;
- (f) to open and maintain a bank account for the funds of the Agency; and
- (g) to offer its services to any person, organisation or institution upon such terms as the Agency may from time to time determine.

6. (1) The Agency shall be managed by a Board which shall consist of—

The Board.

- (a) Chairperson, who shall be a person with demonstrated knowledge and experience in defence, security, agriculture, mining, environmental management or space science, appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for Defence;
- (c) the Principal Secretary in the Ministry for the time being responsible for finance;
- (d) the Principal Secretary in the Ministry for the time being responsible for Science and Technology;
- (e) the Principal Secretary in the Ministry for the time being responsible for Information, Communication and Technology;
- (f) the Principal Secretary in the Ministry for the time being responsible for Environment;

- (g) the Chief of the Defence Forces or his representative;
- (h) the Attorney-General or his representative;
- (i) three persons, not being public officers or employees or directors of any public company, appointed by the Cabinet Secretary by virtue of their knowledge and experience in matters relating to defence, security, agriculture, mining, environmental management or space activities; and
- (j) the Director General, who shall be the Secretary to the Board.

(2) The appointment of members under paragraph 6(1) (a) and (i) shall be by name and by notice in the Kenya Gazette.

(3) The Cabinet Secretary shall ensure that the principle of gender parity is observed in making appointments under this Order.

(4) The Chairperson and members of the Agency appointed under paragraph 6(1) (a) and (i) shall serve for a term of three years and shall be eligible for re-appointment for one further term.

7. (1) The Board shall meet at least four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

Meetings of the Board.

(2) The Chairperson shall preside over all meetings of the Board 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.

(3) The quorum for a meeting shall be two thirds of the members of the Board.

(4) The Board may from time to time co-opt into its membership any person whose skills and experience are necessary for the performance of the functions of the Board to assist in any specified matter on need basis.

(5) A person co-opted under subparagraph (3) shall not have powers to vote on any matter before the Board.

(6) Subject to the provisions of this Order, the Board may regulate its own procedure.

8. The Agency shall pay such remuneration, fees, allowances and such other reimbursement to members of the Board as may be approved by the Committee.

Remuneration.

9. (1) The office of a member of the Board, other than an *ex officio* member, shall become vacant—

Vacancy in office.

- (a) if the member resigns by giving notice in writing, in the case of the Chairperson, to the President, and in the case of any other member, to the Cabinet Secretary, which notice shall take effect on the date specified therein, and, where no date is specified, on the date of receipt of the notice by the President or the Cabinet Secretary, as the case may be;