



LEGAL NOTICE NO.....

**THE KENYA NATIONAL PUBLIC HEALTH INSTITUTE ORDER, 2021**

**ARRANGEMENT OF PARAGRAPHS**

*Paragraph.*

**PART 1—PRELIMINARY**

- 1—Citation.
- 2—Interpretation.

**PART II – ESTABLISHMENT OF THE KENYA NATIONAL PUBLIC HEALTH  
INSTITUTE**

- 3—Establishment of the Kenya National Public Health Institute.
- 4— Headquarters of the Institute
- 5—Functions of the Institute
- 6—Board of the Institute.
- 7—Qualifications for appointment as a chairperson of the Board.
- 8—Qualifications for appointment as a member of the Board.
- 9—Removal from Office
- 10—Vacancy.
- 11—Committees of the Board.
- 12—Tenure of office.

13—Meetings of the Board.

14—Remuneration.

15— Staff of the Institute.

16—Advisory committees.

17—Director General.

18—Removal from office.

19—Vacancy.

**PART III – FINANCIAL PROVISIONS**

20—Funds of the Institute.

21—Annual Estimates.

22—Annual Report.

23—Accounts and Audit.

**PART IV—MISCELLANEOUS PROVISIONS**

24—Protection from personal liability.

25—Liability for damages.

26—Delegation by the Board.

27—Signification of documents.

28—Common seal.

**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 NATIONAL PUBLIC HEALTH INSTITUTE ORDER, 2021**

**PART 1—PRELIMINARY**

Citation.           **1.** This Order may be cited as the Kenya National Public Health Institute Order, 2021.

Interpretation.   **2.** In this Order, unless the context otherwise requires—

“Assets” include all property movable and immovable and all estate, easements and rights whether equitable or legal in, over or out of property, choses-in-action, money or goodwill of the former stations whether situated in Kenya or elsewhere;

“Board” means the Board of the Institute established under paragraph 8;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to health;

No. 17 of 2012   “County Public Service Board” means the County Public Service Board established under section 57 of the County Governments Act, 2012;

“Director General” means the Director General of the Institute appointed under paragraph 17;

“Institute” means the Kenya National Public Health Institute established under paragraph 3;

“Liabilities” means liabilities, debts, charges, duties and obligations of every description, whether present or future, actual or contingent, and whether to be observed or performed in Kenya or elsewhere;

“Public Health” means the art and science of preventing disease, prolonging life and promoting health through the organized efforts of society;

“Public Service Commission” means the Public Service Commission established under Article 233 of the Constitution;

“Relevant duty stations” means divisions, units and programs existing within the Ministry of Health immediately before the coming into operation of this Order, which bear relevance to the functions of the Institute including—

- (a) Division of Disease Surveillance and Response
- (b) Division of Vector Borne and Neglected Tropical Diseases
- (c) Division of Zoonotic Diseases
- (d) Division of National Public Health Laboratories
- (e) Division of Quality Improvement Infection Prevention Control and Antimicrobial Resistance
- (f) Division of Health Emergencies and Disaster Risk Management
- (g) Division of Monitoring and Evaluation
- (h) Division of Health Informatics
- (i) Division of Research & Innovation
- (j) Public Health Emergency Operations Centre
- (k) Field Epidemiology & Laboratory Training Program

“Response” means the rapid, coordinated detection and control to outbreaks; and

“Surveillance” means epidemiological practice by which the spread of disease is monitored to establish patterns of progression.

## **PART II – ESTABLISHMENT OF THE KENYA NATIONAL PUBLIC HEALTH INSTITUTE**

Establishment  
of the Kenya  
National Public  
Health  
Institute.

**3.** (1) There is established the Kenya National Public Health Institute.

(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) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provisions of this Order which may be done by a body corporate.

(3) The Institute shall be the successor to relevant duty stations existing immediately before the commencement of this Order, and upon such commencement—

- (a) All property which was vested in the Government for the use of the relevant duty stations shall vest in the Institute subject to all interests, liabilities, changes and obligations affecting such property; and
- (b) Unless the Institute otherwise determines, all public officers who are employed by the Government for purposes of the relevant duty stations shall be deemed to be on secondment to the Institute under this order until they are employed by the Institute or their secondment with the Institute otherwise ceases in accordance with the terms of secondment.

Headquarters  
of the Institute.

**4.** (1) The headquarters of the Institute shall be in Nairobi but the Institute may establish branch offices in the counties.

(2) The Institute shall ensure access to its services in all parts of the Republic in accordance with Article 6 (3) of the Constitution

Functions of  
the Institute.

**5.** (1) The functions of the Institute shall be to—

- (a) strengthen public health laboratory and surveillance systems, and emergency preparedness and response;
- (b) develop a public health workforce;
- (c) implement and promote research in public health;
- (d) select and measure population health and health-related indicators;
- (e) support disease prevention and health promotion activities;
- (f) conduct advocacy, communication and social mobilization;
- (g) inform policies and plans that support public health efforts;
- (h) promote health protection and support for regulation and enforcement capacity;
- (i) facilitate evaluation and promotion of equitable health services;
- (j) facilitate evaluation, prevention and control of public health issues in clinical settings; and

(2) The Institute may perform such other functions as the Board with the approval of the Cabinet Secretary may determine.

Board of the  
Institute.

**6.** (1) The Institute shall be governed by a Board to be known as the Kenya National Public Health Institute Board which shall consist of—

- (a) a Chairperson, appointed by the President;

- (b) the Principal Secretary in the Ministry for time being responsible for health;
- (c) the Principal Secretary in the Ministry for time being responsible for finance;
- (d) the Principal Secretary in the Ministry for time being responsible for livestock development;
- (e) the Principal Secretary in the Ministry for time being responsible for defence;
- (f) the Attorney General;
- (g) three persons, competitively recruited and appointed by the Cabinet Secretary; and
- (h) the Director General, who shall be the Secretary to the Board, an ex-officio member of the Board.

(2) The members of the Board specified under subparagraphs (1), (b), (c), (d), (e) and (f) may, in writing, designate a person to represent them in the Board

(3) The appointment of the Chairperson and members of the Board shall be by notice in the *Gazette*.

(4) The Board shall have all the powers necessary for the proper discharge of its functions.

Qualifications for appointment as a chairperson of the Board.

**7.** A person shall be qualified for appointment as a Chairperson of the Board if such a person is —

- (a) a Kenyan citizen;
- (b) satisfies the requirements of Chapter six of the Constitution;
- (c) holds a degree from a university recognized in Kenya; and
- (d) has demonstrable knowledge and experience of not less than ten years in public health or any other relevant field.

Qualifications for appointment as a member of the Board.

**8.** (1) A person shall be qualified for appointment as a member of the Board under paragraph 8 (1) (g), if that person is —

- (a) a Kenyan citizen;
- (b) satisfies the requirement of Chapter six of the Constitution;
- (c) holds a degree from a university recognized in Kenya;
- (d) has knowledge and experience of not less than seven years in—

- i. public health;
- ii. finance;
- iii. research;
- iv. wildlife management; or
- v. any other relevant field.

(2) A person shall not be qualified for appointment as a member of the Board under paragraph 8 (1)(g), if such person—

- (a) is a member of a governing body of a political party or an employee of a political party;
- (b) is an un-discharged bankrupt;
- (c) has been convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months; or
- (d) has been removed from office for contravening the provisions of the Constitution or any other written law.

Removal from Office.

**9.** (1) The Chairperson or a member of the Board appointed under paragraph 8 (1) (g) may be removed from Office on any of the following grounds—

- (a) is absent, without justifiable cause, from three consecutive meetings of the Board;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment exceeding six months.
- (c) is unable to perform the functions of the office by reason of mental or physical infirmity;
- (d) incompetence or neglect of duty;
- (e) is adjudged bankrupt; or
- (f) fails, where he is required to do so, to declare his or her interest in any matter being considered or to be considered by the Board.

No. 4 of 2015.

(2) The removal of the Chairperson under this paragraph shall be in accordance to the provisions of the Fair Administrative Actions Act, 2015.

Vacancy.

**10.** The office of the Chairperson or a member of the Board appointed under paragraph 8 (1) (g) shall become vacant if the holder of the office—

- (a) dies;
- (b) resigns in writing addressed, in the case of the chairperson, to the President and in the case of a member appointed under paragraph 8(1) (g) to the Cabinet Secretary;

- (c) upon expiry of his or her term of office; or
- (d) is removed from office pursuant to paragraph 7.

Committees of the Board.

**11.** (1) The Board may establish such committees as it may consider necessary for the performance of its functions and the exercise of its powers under this Order.

(2) The Board may co-opt any person to sit on any committee established under subparagraph (1), whose knowledge and skills are found necessary for the performance of the functions of the Board.

Tenure of office.

**12.** (1) A member of the Board appointed under paragraph 8 (1) (a) and (g) shall, subject to such conditions as may be specified in his instrument of appointment, hold office for a term not exceeding three years and renewable once, subject to performance.

(2) The members of the Board appointed under paragraph 8 (1) (a) and (g) shall be appointed at different times so that the respective expiry dates of their terms of office shall fall at different times.

Meetings of the Board.

**13.** (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 Board meeting and the date of the next meeting.

(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 one six members.

(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 (4) shall not have powers to vote on any matter before the Board.

(6) Every decision of the Board shall in the absence of consensus, be by a simple majority of the members present and voting, but in case of an equality of votes the Chairperson or the person presiding shall have a casting vote.

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



Remuneration. **14.** The Institute shall pay such remuneration, fees or allowances as the Cabinet Secretary may, in consultation with the Salaries and Remuneration Commission, determine.

Staff of the Institute. **15.** (1) The staff of the Institute shall consist of —

- (a) such professional, technical and administrative officers and support staff, as may be appointed by the Institute; and
- (b) such public officers as may be seconded by, the Public Service Commission and the County Public Service Boards, to the Institute upon the request by the Institute.

(2) A public officer seconded to the Institute shall, during the period of secondment, be deemed to be an officer of the Institute and shall be subject only to the direction and control of the Board.

(3) The Board shall prescribe a Code of Conduct for members of the Board and the staff of the Institute.

Advisory committees. **16.** Upon request by the Board the Cabinet Secretary may from time to time establish Advisory Committees or any other committees to perform any specified duties in relation to public health and provide for their membership, duties, functions and operations.

Director General. **17.** (1) There shall be a Director General, who shall be the Chief Executive Officer of the Institute and Secretary to the Board.

(2) The office of the Director General shall be an office in the Public Service.

(3) The Cabinet Secretary shall appoint the first Director General of the Institute upon commencement of this Order for a term of not more than five years but subsequent appointments shall be made by the Cabinet Secretary on the recommendation of the Board after a competitive recruitment process on such terms and conditions as shall be determined.

(4) A person shall be qualified to be appointed as the Director General if the person—

- (a) is a citizen of Kenya;
- (b) holds at least a master's degree in public health or any other health related field from a university recognized in Kenya;

- (c) has experience of at least ten years in management of health services, five of which must be in public health; and
- (d) meets the requirements of Chapter Six of the Constitution of Kenya.

(5) The Director General shall be responsible to the Board for the day to day management of the affairs of the Institute and in particular, the Director General shall—

- (a) have overall responsibility for the direction, organization and administration of programs and other affairs of the Institute;
- (b) be responsible for the supervision and discipline of the staff of the Institute;
- (c) subject to the directions of the Board on matters of policy, be responsible to Board for the administration and management of the Institute; and
- (d) be the accounting officer of the Institute;
- (e) perform any other duties as may be assigned by the Board, from time to time.

Removal from Office.

**18.** The Director General may be removed from office on the following grounds—

- (a) inability to perform functions of the office arising out of physical or mental infirmity;
- (b) gross misconduct;
- (c) incompetence or neglect of duty;
- (d) violation of the Constitution or any other written law;
- (e) bankruptcy; or
- (f) any other ground that would justify removal from office under the terms and conditions of service.

Vacancy.

**19.** The office of the Director General shall become vacant—

- (a) if the holder of the office dies;
- (b) if the holder resigns in writing, addressed to the Institute; or
- (c) if the holder is removed from office pursuant to paragraph 18.

### **PART III– FINANCIAL PROVISIONS**

Funds of the Institute.

**20.** The funds of the Institute shall consist of—

- (a) such monies as may accrue to the Institute in the performance of its functions under this Order;

- (b) such monies as may be payable to the Institute pursuant to this Order or any other written law;
- (c) such gifts as may be donated to the Institute;
- (d) such monies as may be appropriated by Parliament for the purposes of the Institute; and
- (e) all monies from any other source granted, donated, or lent to the Institute.

Annual  
Estimates.

**21.** (1) At least three months before the commencement of each financial year, the Board 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 concerned.

(3) The annual estimates prepared by the Board under subparagraph (2) shall be submitted to the Cabinet Secretary for tabling in the National Assembly.

Annual Report.

**22.** The Board shall, within a period of three months after the end of each financial year, submit—

(a) to the Auditor-General, the accounts of the Institute in respect of that year together with—

- (i) a statement of the income and expenditure of the Institute during that year; and
- (ii) a statement of the assets and liabilities of the Institute on the last day of that financial year; and

(b) to the Cabinet Secretary, an annual report in respect of that year containing—

- (i) the accounts of the Institute and statements referred to under sub paragraph (a);
- (ii) the Institute's performance indicators and any other related information;
- (iii) a report on the operations of the Institute during that year; and
- (iv) such other information as the Cabinet Secretary may request.

Accounts and  
Audit.

**23.** (1) The Institute shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Institute.

No. 34 of  
2015.

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

**PART IV—MISCELLANEOUS PROVISIONS**

Protection from personal liability.

**24.** No matter or thing done by the Chairperson or any other member of the Board of the Institute or any officer, employee, or agent of the Institute shall, if the matter or thing is done in good faith for purposes of executing any provisions of this Order, render the Chairperson or any other member of the Board, officer, employee or agent or any person acting under the directions of those persons, personally liable to any action, claim or demand.

Liability for damages.

**25.** The provisions of this Order shall not relieve the Institute of the liability to pay compensation or damages to any person for any injury to him or his property or any of his or her interests caused by the exercise of any of the power conferred by this Order or by failure, whether wholly or partially, of any action.

Delegation by the Board.

**26.** The Board may by resolution either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Institute, the exercise of any of the powers or the performance of any of the functions the Institute is authorized by this Order to perform or exercise.

Signification of documents.

**27.** All the documents of the Institute shall be under the hand of the Chairperson.

Common seal.

**28.** (1) Subject to this Order, the common seal of the Institute shall be kept in such custody as the Board may direct and shall not be used except in the manner authorized by the Board.

All deeds, instruments, contracts or other documents shall be deemed to be duly executed by or on behalf of the Board—

- (a) where they are required to be under seal, if sealed with the common seal of the Board and authenticated by the signature of the Chairperson and the Secretary; and
- (b) where they are not required to be under seal, if executed in that behalf by the Chairperson or the Secretary.

**Made on the....., 2021.**

**UHURU KENYATTA**  
*President.*