

# KENYA

## THE NATIONAL MUSEUMS ACT

Commencement: 21 St January, 1983

An Act of Parliament to provide for the establishment, control, management and development of National Museums and for connected purposes

1. This Act may be cited as the National Museums Act.

2. In this Act—

“Board” means the National Museums Board of Governors established by section 4;

“National Museum” means a museum in Kenya which is for the time being vested in the Board.

3. Every National Museum shall—

(a) serve as a national repository for things of scientific, cultural, technological and human interest; and

(b) serve as a place where research and dissemination of knowledge in all fields of scientific, cultural, technological and human interest may be undertaken.

4. There is hereby established a body corporate to be known as the National Museums Board of Governors with perpetual succession and a common seal and which shall be capable in its corporate name of—

(a) suing and being sued;

(b) purchasing or otherwise acquiring, holding, charging and disposing of movable property;

(c) entering into contracts;

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

5. (1) The Board shall consist of the following members, all of whom shall be appointed by name and not by office—

(a) a chairman appointed by the Minister after consultation with the President;

(b) four persons representing scientific interests appointed by the Minister of whom two shall have been recommended by the East Africa Natural History Society, one by the University of Nairobi and one by the National Council of Science and Technology;

(c) one public officer from the Ministry for the time being responsible for National Museums;

(d) not more than four persons to be appointed by the Minister by virtue of their outstanding interest in and contribution to the work of National Museums;

(2) Subject to subsection (6), a member of the Board shall hold office for three years from the date of his appointment; but a member of the Board may at any time resign his office by notice in writing to the Minister.

(3) A member of the Board shall be eligible for reappointment.

(4) The Board shall elect a vice-chairman from among its members.

(5) If a member of the Board is, without the consent of the Minister, absent from more than four consecutive meetings of the Board, or absent from Kenya for more than twelve months, he shall be deemed to have resigned from the Board.

(6) The Minister may upon the application of an organization referred to in paragraph (b) of subsection (1),. And without assigning any reason thereof, remove a member of the Board recommended by that organization in the place of the member so removed; but nothing in this subsection shall derogate from the powers of the Minister under subsection 51 of the Interpretation and General Provisions Act.

(7) The Board shall not be incapable of acting by reason only of there being a vacancy in the membership of the Board.

(8) If a member of the Board is or intends to be absent from Kenya for a period in excess of six weeks, the Minister may, at the request of the chairman, appoint a temporary member in his place; and a temporary member so appointed shall hold office until the member in whose place he has been appointed returns to Kenya.

(9) No person who is a member of the Board shall be appointed as a paid official or servant of the Board or receive any remuneration or other benefit as such member except an attendance fee.

**6.** (1) The Board shall be convened by the chairman at least four times in every year.

(2) The chairman, or in his absence the vice-chairman may at any time, but shall at intervals not exceeding three months, convene a meeting of the Board, and shall also do so within fourteen days after receipt by him of a written requisition signed by at least three members.

(3) Not less than seven days' previous notice of a meeting of the Board shall be given in writing to every member thereof; but accidental failure to give or to receive such notice shall not invalidate the proceedings of a meeting.

(4) The quorum necessary for the transaction of the business of the Board shall be five members inclusive of the person presiding; and all acts, matters or things authorized or required to be done by the Board shall be effected by a resolution passed by a majority of the members present and voting at a meeting at which there is a quorum.

(5) The chairman, or in his absence the vice chairman, shall preside at meetings of the Board; but in case of the absence of both the chairman and the vice-chairman at any meeting of the Board the members present at the meeting shall elect one of their number to preside at that particular meeting.

(6) At every meeting of the Board the member presiding shall have a casting as well as a deliberative vote.

**7.** (1) The common seal of the Board shall be authenticated by the signature of the chairman and such other person as may be generally or specifically authorized by the Board.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairman, or, in the case of a

decision taken at a meeting at which the chairman was not present, under the hand of the person presiding at that meeting.

**8.** (1) The Board shall have the general management, development and control of all National Museums and for that purpose may—

- (a) with the consent of the Minister—
  - (i) purchase or exchange, take on lease, or acquire by gift or otherwise, immovable property, including an existing museum, for any purpose of or connected with a National Museum;
  - (ii) sell, lease or exchange immovable property from time to time vested in the Board which is no longer, or not for the time being, required for any such purpose;
  - (iii) erect, maintain and improve buildings, including staff quarters, to be used for any such purpose;
  - (iv) mortgage or charge immovable property from time to time vested in the Board as security for repayment, with or without interest, of any money borrowed for the purposes of the Board;
- (b) appoint from among its members such committees as it may deem expedient and delegate to those committees such of its powers as the Board may deem fit; but any committees so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by the Board;
- (c) appoint managing bodies for particular museums;
- (d) employ staff on such terms and conditions of service as it thinks fit and take such steps as it may consider necessary to implement those conditions of service;
- (e) acquire by way of gift or purchase, or accept by way of loan or deposit, any object of scientific, cultural, technological, historical or human interest;
- (f) exchange, sell or otherwise dispose of objects not required for the purpose of any National Museum and lend objects vested in the Board to any person or institution whether within or outside Kenya; but no object which is accessioned and registered as part of the collection of a National Museum shall be—
  - (i) sold, given away, mortgaged, pledged or in anyway permanently disposed of save under authority of a resolution of the National Assembly;
  - (ii) lent to any person or organization, within or outside Kenya, unless under authority of a resolution of the Board and the consent thereto in writing of the Minister;
- (g) apply money received on the sale or disposal of movable property or by way of payment for admission to a museum or by way of gift or grant or otherwise, in the purchase of any object which in the opinion of the Board it is desirable to acquire for a National Museum or furthering interest in and increasing the utility in a National Museum;
- (h) solicit and accept and receive subscriptions, donations, devises and bequests (whether of movable or immovable property and whether absolute or conditional) for the general or special purposes of a National Museum or subject to any trust;
- (i) charge for admission to a National Museum, or to any lecture, exhibit, conducted tour, course of instruction or other facility, or for publications, such fees or prices as the Board may, subject to any regulations made under this Act, think fit;
- (j) borrow, with or without security, such moneys as may from time to time be needed for any purposes of the Board;
- (k) operate as an authority within the meaning and for the purposes of the Antiquities and Monuments Act, and otherwise assist the Government in the administration of that Act;
- (l) establish, in consultation with the National Council of Science and Technology, institutes of research;

- (m) affiliate with other institutions of a generally similar nature and character;
- (n) do all such other lawfully things as may seem to the Board to be incidental or conducive to the attainment of any of the objects of the Board.

(2) If at any time any other institution of a generally similar character is affiliated to the Board in terms of paragraph (m) of subsection (1), the powers of general management and control of the governing body of that institution, unless otherwise agreed between the Board and the governing body, shall not be affected by the affiliation.

(3) The Board may receive moneys from any source and may apply those moneys to defray its expenses in carrying out the functions and exercising the powers conferred on it by this Act including the reimbursement of expenses incurred by members of the Board in attending meetings of the Board.

**9.** (1) The Board shall in the prescribed manner appoint a separate managing body for every National Museum.

(2) A managing body shall include at least one person nominated by the local authority in whose jurisdiction the National Museum is situated.

(3) Except as otherwise provided by any regulations made under this Act, the Board may delegate to a managing body all or any of its powers and obligations under this Act in respect of the National museum for which the managing body has been appointed.

**10.** (1) The Board shall undertake, so far as its financial and other resources permit, to carry out, in consultation with the National Council of Science and Technology, research in natural history and conduct other scientific or cultural activities and disseminate knowledge on matters of scientific, cultural, technological or human interest by means of lectures, special exhibits, conducted tours or publications.

**11.** (1) The Board shall cause to be kept proper accounts for each National Museum, which shall be audited annually by the Controller and Auditor General.

(2) A copy of the audited accounts together with any report thereon by the auditors shall be submitted to the Minister and shall be laid by him before the National Assembly as soon as possible after it has been furnished to him.

**12.** No Act or thing done by a member of the Board or by officer or servant of the Board shall, if the Act or thing was done bona fide for the purpose of carrying this Act into effect, subject him personally to any liability, action, claim or demand whatsoever.

**13.** No duty shall be chargeable under the Stamp Duty Act in respect of any instrument executed by or on behalf of or in favor of the Board in cases where, but for this section, the Board would be liable to pay such duty.

**14.** The Minister may, on the advice of the Board, make regulations—

- (a) regulating the calling of meetings of the Board, the voting of members of the Board and the procedure for the transaction of the business of the Board;
- (b) providing for the administration of any National Museum;
- (c) providing for the preservation of objects required for the purpose of any National Museum;
- (d) regulating the conditions for the admission of members of the public to any National Museum and the payments to be made for admission thereto;

(e) generally for the carrying out of the objects and purposes of this Act.

**15.** Upon the commencement of this Act, all the property, assets, rights and liabilities, obligations and agreements (including any contracts of employment) vested in, acquired, incurred or entered into by or on behalf of the Museums Trustees of Kenya, shall be deemed to be vested in or to have been acquired, incurred or entered into by or on behalf of the Board, and accordingly every such right, liability, obligation or agreement may be enforced by or against the Board to the same extent as it could have been enforced by or against the Museums Trustees of Kenya.