

Appendix B.

**CHARTER MADE AT GOVERNMENT HOUSE, NAIROBI, IN THE
COLONY OF KENYA, THE 7TH DAY OF SEPTEMBER, 1951, BY SIR
PHILIP MITCHELL, G.C.M.G., M.C., GOVERNOR AND
COMMANDER-IN-CHIEF.**

WHEREAS it is desired to establish a Technical College to provide facilities for vocational training in the main branches of engineering, in commerce and accountancy, in agricultural, medical and veterinary laboratory science, in industry, in domestic science, in arts and crafts, in sanitary science, in pharmacy, and in such other vocations as may be desirable for the sound economic advancement of the East African Territories not being incompatible with the expressed intentions of this my Charter :

AND WHEREAS I have received recommendations and advice from committees appointed by me to advise upon the establishment of a Technical College :

AND WHEREAS the Secretary of State for the Colonies has signified that a grant under the Colonial Development and Welfare Act, 1940, of £150,000 has been made towards the establishment of the said Technical College :

AND WHEREAS the Government of the Colony has made a free grant of land for the erection of buildings for the use by and in connection with the said Technical College and for playing fields in connection therewith and has made a capital grant towards the establishment of the said Technical College and intends to request the Legislative Council of the Colony to vote annually to the said Technical College a grant-in-aid :

AND WHEREAS the Government of Uganda has signified an intention to make a capital grant to the said

Technical College subject to certain conditions :

NOW THEREFORE I PHILIP EUEN MITCHELL, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George upon whom has been conferred the Decoration of the Military Cross, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya for myself and my successors in the office of such Governor and Commander in Chief—

(a) DO HEREBY ESTABLISH a Technical College to be known as The Royal Technical College of East Africa (herein referred to as "the College");

(b) DO HEREBY ESTABLISH a Governing Council for the College (herein referred to as "the Council");

(c) DO HEREBY DIRECT AND EMPOWER the said Council to appoint a Trustee of the College upon such terms as to remuneration as the Council shall think fit :

AND DO GRANT unto them and to each of them the powers herein expressed to be exercised until such time as the said powers are varied or revoked by me or are replaced by powers conferred by an Ordinance enacted by the Legislative Council of the Colony :

PROVIDED that any powers hereafter expressed in respect of the Trustee shall be in addition to and shall not in any way limit the powers which the Trustee may have or acquire under any law now or hereafter in force in the Colony.

ARTICLE I. The College shall accept for tuition persons having the requisite educational and other qualifications for any course of vocational training provided by the College without distinction of race or creed: AND the Council may make rules for regulating the admission, conduct and expulsion of students and for all matters appertaining to the management and control of the College:

ARTICLE II. The Council shall consist of a Chairman and six persons nominated by the Governor of Kenya, two persons nominated by the Governor of Uganda, a representative of the City Council of Nairobi, and a representative of the Nairobi Chamber of Commerce. The Council shall act by a majority and the Chairman shall at any meeting over which he presides (in the event of an equality of votes) have a casting vote in addition to a deliberative vote. The members of the Council shall hold office until the replacement of this Charter by an Ordinance or until the end of four years whichever event shall first occur. The Council shall from amongst its members appoint one person to be Deputy Chairman of the Council who shall preside at any meeting from which the Chairman is absent and while so presiding shall have all the powers of the Chairman. At any meeting of the Council five members shall form a quorum. The Council shall keep such minute and other books as may be necessary to record all resolutions and any other business of the Council. The Council shall co-opt the Principal of the College as a voting member of the Council.

ARTICLE III. Should any member of the Council be absent from the Colony or unable to act at any time the Governor of Kenya may appoint any other person to take his place as a member of the Council and any person so appointed shall hold office during the absence or inability to act of the person whose place he has taken.

ARTICLE IV. The Council shall by resolution determine the policy of the College and make rules with regard to any matter coming within the scope of its powers under this Charter and in particular, but without prejudice of the generality of the foregoing powers, with regard to—

- (i) the good government of the College;
- (ii) finance;
- (iii) buildings and the management and use thereof;
- (iv) maintenance and improvements;
- (v) the acquisition, sale, leasing or letting or other disposition of property movable or immovable;
- (vi) the raising of funds by way of mortgage or otherwise;
- (vii) the investment, in such securities as it may authorise, of the funds of the College
 Provided that the funds of the College shall be invested only in securities authorised for the investment of trust funds;
- (viii) the employment, remuneration, suspension and dismissal of a Principal or other officers, lecturers, teachers, instructors and servants of the College; and
- (ix) halls of residence and playing fields and the management and use thereof.

ARTICLE V. The Council, without prejudice to any other provision of this Charter—

- (a) may make rules for the conduct of its proceedings and the discharge of its duties;
- (b) shall appoint auditors for the funds of the College;

- (c) shall obtain the advice of the Trustees on all matters relating to finance;
- (d) may authorise such capital expenditure of the funds of the College as it considers necessary;
- (e) may allocate to the Principal from time to time such sum or sums of money for such purposes as the Council thinks fit; and
- (f) may enter into contracts, agreements and such other arrangements as may be necessary to give effect to the policy of the Council.

ARTICLE VI. The Council shall prescribe the subjects in which instruction shall be given in the College, the examinations pertaining thereto and such other matters as may be necessary for the due and proper instruction of the students attending the College. In prescribing the subjects to be taught and the instruction to be given the Council shall have due regard to the fact that one of the principal objects of the College is to provide instruction in such subjects as will best advance the economic development of the East African Territories.

ARTICLE VII. The Council shall ensure freedom of worship to all students according to their religious beliefs and shall permit and encourage such religious instruction and observances as the Council may deem proper and desirable. In particular the Council is expressly enjoined to give attention to the improvement of the moral character, manners and conduct of the students and to inculcate in them the duty of loyalty to His Majesty the King, His Heirs and Successors and to the Government and local authorities as by law established in the Colony.

ARTICLE VIII. The Council shall create the undermentioned funds, that is to say,—

- (a) a capital expenditure fund;
- (b) a recurrent expenditure fund;
- (c) a reserve fund .

All moneys received by the College whether by way of fees, grants from any government, local authority, institution, community or private person, grants for scholarships or bursaries, income from investments or from any other source whatsoever shall be paid into either the capital expenditure fund or the recurrent expenditure fund according to the purpose for which the moneys are intended, and where no such purpose is expressed, according to the directions of the Council.

ARTICLE IX. The Council shall from time to time prescribe the fees to be paid to the College by students for instruction in the various courses and subjects which may be established at or in association with the College and in respect of board and residence therein or at any associated college, institution or hostel and in so doing may make such provision for scholarships and bursaries out of the funds of the College or on grounds of hardship for the remission of fees, in whole or in part, as it may deem fit :

PROVIDED that—

- (i) it shall be the duty of the Council so to order the resources of its recurrent expenditure fund that the fund shall be sufficient in any year for the expenditure appropriate therefrom for that year;
- (ii) if the Council is unable to order the resources of its recurrent expenditure fund in the manner aforesaid it shall forthwith report the matter fully to the Governor of Kenya who shall thereafter issue such instructions to the Council as he may think fit, which instructions

shall be complied with by the Council;

- (iii) for the first five years from the date of the signing of this Charter the Council may with the prior sanction of the Governor of Kenya draw upon the grants and gifts made for the purpose of establishing the College in order to meet such portion of the recurrent expenditure as cannot be provided from the income of the College during any of the said years.

ARTICLE X. The Council may appoint from amongst its members such executive committees as it may deem necessary for the carrying out of its policy.

ARTICLE XI. The Council may appoint advisers in matters of law and education either honorary or for such fees or remuneration as the Council shall determine.

ARTICLE XII. The Council may appoint advisory committees for the College composed of such persons and entrusted with such functions, not being incompatible with the provisions of this Charter, as the Council may from time to time determine.

ARTICLE XIII. The Council may make such appeals for public subscriptions as it may consider proper and as the law permits.

ARTICLE XIV. In the event of an emergency requiring action before the next meeting of the Council the Chairman, after due consultation with the Principal and, if necessary, the Trustee, shall have the power to act for the Council but shall report the matter at the next forthcoming meeting of the Council.

ARTICLE XV. The Council may delegate to the Principal the power to make any specified appointments, suspensions or dismissals and shall by resolution determine the duties

and powers of the Principal, subject to the provisions of this Charter.

ARTICLE XVI. The Council shall by resolution subject to the provisions of this Charter appoint a Board of Studies (hereinafter referred to as "the Board") to advise the Principal on problems of studies and shall determine the duties and powers of such Board and may at any time revoke, vary or amend such resolution. The Board shall act by a majority. The Principal shall be the Chairman of the Board and when presiding at any meeting of the Board shall, in the event of an equality of votes, have a casting vote in addition to a deliberative vote. During each and every year the Council shall appoint a member of the Board to act as Principal when the Principal is absent or otherwise unable to act at any time during that year. The Council shall in its resolution appointing the Board of Studies determine the number of members that shall form a quorum.

ARTICLE XVII. The Principal shall in each and every year prepare estimates of the receipts and expenditure of the College for the ensuing year and shall submit the same to the Council which may approve such estimates or may vary them in such manner as it may think fit.

ARTICLE XVIII. The Principal shall not incur any expenditure which has not received the prior sanction of the Council without first obtaining the consent of the Council or, in the event of an emergency, of the Chairman acting for the Council under the provisions of Article XIV of this Charter.

ARTICLE XIX. The financial year of the College shall end on the 31st day of December in each year. The Principal shall, as soon as possible after the close of each financial year of the College, prepare an annual report and balance sheet properly audited and shall lay them before the Council for approval. The Council shall consider such report and

balance sheet as soon as practicable after the receipt thereof and when all the Council's requirements in connection therewith have been satisfied by the Principal the Council shall by resolution direct the Principal to publish such report and balance sheet together with the Auditor's report thereon in such manner as the Council may deem fit together with a report by the Chairman for the Council and any other report or statement which the Council may direct to be published. The report and balance sheet as approved by the Council for publication shall be laid on the table of the Legislative Council of each of the Governments which have made grants-in-aid towards the College.

ARTICLE xx. The Council shall without undue delay take steps to

secure the drafting of a Bill to provide for the statutory establishment and constitution of the College. This Bill shall make provision for associating the academic staff of the College with the Council to a degree which the Council shall decide; so, however, that the number of the academic staff to be members of the Council shall not exceed two-thirds of the number of members appointed from other sources.

IN WITNESS WHEREOF I have hereunto set my hand and seal the day and year first hereinbefore mentioned.

(Signed) P. E. MITCHELL,

Governor.