



REPUBLIC OF KENYA

DRAFT BANDARI MARITIME ACADEMY BILL, 2021

DECEMBER, 2021

**A LEGISLATIVE PROPOSAL
BY THE MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN
DEVELOPMENT AND PUBLIC WORKS.**

BANDARI MARITIME ACADEMY BILL, 2021

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Object of the Act.

PART II—ESTABLISHMENT AND ADMINISTRATION OF THE ACADEMY

- 4—Establishment of the Academy.
- 5—Headquarters.
- 6—Functions of the Academy.
- 7—Board of the Academy.
- 8—Vacancy.
- 9—Functions of the Board.
- 10—Powers of the Board.
- 11—Procedure of the Board.
- 12—Committees of the Board.
- 13—Director General.
- 14—Corporation Secretary.
- 15—Academic Council.
- 16—Delegation of power by the Director General.
- 17—Staff of the Academy.
- 18—Seal of the Academy.
- 19—Protection from personal liability.
- 20—Protection of name.
- 21—The Alumni Association.

PART III—FINANCIAL PROVISIONS

- 22—Funds of the Academy.
- 23—Financial year.
- 24—Annual estimates.
- 25—Accounts and audit.
- 26—Investment of funds.
- 27—Annual report.

**PART IV—ADMISSION, STANDARDS, CURRICULUM, EXAMINATION, CERTIFICATION,
CENTRES OF EXCELLENCE AND FEES**

- 28—Admission to the Academy.
- 29—Standards.
- 30—Curriculum on Maritime Education and Training.
- 31—Examination and certification.
- 32—Approval of programs.
- 33—Fees and other charges.

PART V—MISCELLANEOUS PROVISIONS

34—Regulations

35—Savings and Transitional provisions.

SCHEDULE

SCHEDULE

— **PROVISIONS AS TO THE CONDUCT OF BUSINESS AND
AFFAIRS OF THE BOARD.**

BANDARI MARITIME ACADEMY BILL, 2021

A Bill for

AN ACT of Parliament to establish the Bandari Maritime Academy and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

Short title. **1.** This Act may be cited as the Bandari Maritime Academy Act, 2021.

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

“Academy” means the Bandari Maritime Academy established under section 4;

“Board” means the Board of Directors of the Academy established under section 6;

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

“Director General” means the Director General of the Academy appointed under section 12;

“maritime education and training” includes training and development in seafaring, maritime transport logistics and other related fields;

Object of the Act. **3.** The object of this Act is to—

(a) promote quality maritime education and training;

(b) maintain standards in maritime education and training; and

(c) promote the use of technology and innovation in the maritime education and training; and

(d) facilitate and promote research and development in maritime education and training.

PART II—ADMINISTRATION OF THE ACADEMY

Establishment of the Academy. **4.** (1) There is established the Bandari Maritime Academy.

(2) The Academy is 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 money;
- (d) entering into contracts; and
- (e) doing or performing all other things or acts for the proper performance of its functions under this Act which may be lawfully done or performed by a body corporate.

(3) The Academy shall be a successor of the Bandari Maritime Academy established under Legal Notice No. 233 of 2018.

(4) The Academy shall include such other campuses as the Cabinet Secretary may, from time to time in consultation with the Board, by notice in the Gazette, declare.

(5) The headquarters of the Academy shall be in Mombasa.

Headquarters

5. The headquarters of the Academy shall be in Mombasa, but the Academy may establish offices in other places in Kenya or outside Kenya.

Functions of the Academy.

6. The Academy shall—

- (a) be an institution of excellence in teaching, consultancy, training, innovation research and development in maritime education and training;
- (b) provide and advance maritime education and training to appropriately qualified candidates leading to the award of diplomas, certificates and such other qualifications as the Board may, from time to time prescribe in line with the relevant policies of the Academy;
- (c) conduct examinations and grant academic awards as the Board may, from time to time prescribe;

- (d) implement government policy on maritime education and training;
- (e) maintain international standards in maritime education and training;
- (f) recommend and advise the Government on the development of relevant legislation to facilitate successful implementation of maritime education and training;
- (g) serve as the Regional Maritime Centre of Excellence for maritime education and training;
- (h) establish centers of excellence in maritime education and training;
- (i) partner with other national, regional or international institutions in furtherance of maritime education and training;
- (j) serve as a national center for simulator training in maritime education and training;
- (k) establish and engage in commercial ventures and activities that are incidental in achieving the objectives of the Academy;
- (l) develop and implement curricula and programs that meet international standards for the maritime sector;
- (m) conduct research, development and innovation and establish a resource center for the maritime industry;
- (n) foster and maintain linkages with the industry, professions, relevant government agencies and training institutions; and
- (o) perform any other functions necessary or incidental to achieving the objective of the Academy.

Board of the
Academy

7. (1) The management of the Academy shall vest in a Board which shall consist of—

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary responsible for matters relating to maritime transport or a representative appointed in writing;

- (c) the Principal Secretary responsible for matters relating to technical and vocational education or a representative appointed in writing;
- (d) the Principal Secretary responsible for the National Treasury or a representative appointed in writing;
- (e) the Managing Director of the Kenya Ports Authority or a representative appointed in writing;
- (f) four other members, not being public officers, appointed by the Cabinet Secretary; and
- (g) the Director General, who shall be an ex-officio member of the Board;

(2) A person is qualified for appointment under subparagraph (1)(a) and (f) if such person –

- (a) is a Kenyan citizen;
- (b) has a degree from a recognized university or an equivalent relevant qualification in any of the following fields—
 - (i) maritime transport;
 - (ii) finance;
 - (iii) law with specialization in international maritime law; or
 - (iv) any other field related to the functions of the Academy;
- (c) has at least ten years' experience in the relevant field, for the chairperson, and five years' experience for a member of the Board; and
- (d) meets the requirements of Chapter Six of the Constitution.

(3) The appointment under paragraph 1(a) and (f) shall be based on merit, industry experience, special knowledge, profession or skill which will be of benefit to the Academy.

(4) A person shall not be qualified for appointment as the chairperson or as a member if the person—

- (a) is a member of a governing body of a political party;
- (b) is an undischarged bankrupt;
- (c) has been convicted of a criminal offence and sentenced to at least six months imprisonment;
- (d) has been removed from any public office for contravening the provisions of the Constitution or any other written law;
- (e) is a member of Parliament or county assembly; or
- (f) has not met his or her legal obligations relating to tax .

(5) In appointing the members under paragraph (1) (g), the Cabinet Secretary shall—

- (a) ensure that not more than two-thirds of the members are of the same gender; and
- (b) observe the principle of regional and ethnic balance.

(6) A member of the Board appointed under paragraph (1) (a) and (g) shall serve for a term of three years, renewable once upon satisfactory performance of his or her duties.

(7) The appointment of the chairperson and members of the Board appointed under paragraph (1)(g) shall be by notice in the *Gazette*.

(8) A member of the Board shall be paid such allowances as the Cabinet Secretary may in consultation with the Salaries and Remuneration Commission determine.

Vacancy.

8. The office of the chairperson or a member shall become vacant if the holder—

- (a) dies;
- (b) is absent from three consecutive meetings of the Board without reasonable cause;
- (c) resigns from office by notice in writing addressed to the appointing authority;

- (d) is unable to perform the functions of the office arising out of physical or mental infirmity;
- (e) is negligent or incompetent in the performance of his or her functions;
- (f) is adjudged or otherwise declared bankrupt by a competent court;
- (g) violates Chapter Six of the Constitution; or
- (h) is convicted of a criminal offence and sentenced to imprisonment for a term of not less than six months.

(2) Where a vacancy occurs in the membership of the Board under subparagraph (1), the appointing authority shall appoint a new member in accordance with the provisions of this Act.

(3) An appointment to fill a vacancy shall be for the remainder of the term of the member being replaced and the new member shall be eligible for reappointment.

Functions of the Board

9. (1) The Board shall—

- (a) approve, monitor and evaluate the implementation of strategies, policies and plans of the Academy;
- (b) ensure that the Academy complies with all the relevant laws, regulations, governance practices, accounting procedures and auditing standards;
- (c) monitor performance and ensure effective and efficient utilization of the resources of the Academy;
- (d) consider and approve the budget of the Academy;
- (e) approve the appointment criteria and the terms and conditions of service for staff;
- (f) oversee the conduct of maritime education and training in accordance with the provisions of this Act and any other written law;

- (g) promote and maintain standards, quality and relevance in maritime education and training in accordance with this Act and any other written law;
- (h) establish schools and faculties;
- (i) develop and implement the institutions' strategic plan;
- (j) mobilize resources for the Academy;
- (k) regulate the admission and exclusion of students from the institutions, subject to a qualifications framework and the provisions of this Act;
- (l) approve curricula and programs for maritime education and training;
- (m) issue, replace, withdraw, deny and authenticate academic awards;
- (n) approve the scale of fees and other charges payable by or in respect of students and other clients at the Academy;
- (o) approve rules governing the conduct and discipline of the students of the academy upon consultation with the Academic Council; and
- (p) carry out any other function for purposes of promoting and facilitating the objects of the Academy.

Powers of the Board.

10. The Board shall have all the powers necessary for the proper performance of the functions of the Academy and, in particular, the Board shall have powers to—

- (a) manage, control and administer the property and funds of the Academy in a manner and for the purposes which shall promote the interests of the Academy;
- (b) create, develop, apply for and hold intellectual property rights and enter into agreements or arrangements for their commercial exploitation or otherwise as the Board may consider appropriate;
- (c) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Academy;

- (d) receive on behalf of the Academy, fees, donations, endowments, gifts, grants or other moneys and make disbursements there from in accordance with the law;
- (e) enter into association with such other bodies or organizations within or outside Kenya as it may consider desirable or appropriate and in furtherance of the purposes for which the Academy is established;
- (f) open a bank account or bank accounts for the funds of the Academy;
- (g) invest any monies of the Academy not immediately required in furtherance of its objects; and
- (h) perform any other functions as may be conferred on it by the Cabinet Secretary or by any other written law.

Procedure of the Board.

11. (1) The business and affairs of the Board shall be conducted in accordance with the schedule and section 8 of the State Corporation Act.

Cap 446

(2) Except as provided in the Act, the Board may regulate its own procedure.

Committees of the Board

12. (1) The Board may, for effective discharge of its functions establish committees.

(2) The Board may, by resolution either generally or in any particular case, delegate to a committee of the Board exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act.

(3) The Board may co-opt into the membership of a committee established under subsection (1), any person whose knowledge and skills are considered necessary for the effective discharge of the functions of the Academy.

(4) Subject to any specific or general direction of the Board, any committee established under subsection (1) may regulate its own procedure.

(5) Any person co-opted into a Committee under subsection (3) may attend the meetings of the Committee and participate in its deliberations, but shall not vote at such meeting.

Director General

13. (1) The Board shall through a competitive recruitment process, and subject to approval by the Cabinet Secretary, appoint a suitably qualified person to be the Director General.

(2) A person is qualified to be appointed as the Director General, if that person—

- (a) is a citizen of Kenya;
- (b) possesses at least a master's degree in maritime transport, education, management or other related field from a university recognized in Kenya;
- (c) has at least fifteen years' demonstrable knowledge and experience in matters related to maritime industry or education, five of which must be at a senior managerial level;
- (d) is a member of a recognized professional body in good standing; and
- (e) meets the requirements of Chapter Six of the Constitution.

(3) The appointment of the Director General shall be based on merit, industry experience, special knowledge, profession or skill which will be of benefit to the Academy.

(4) The Director General shall be the chief executive officer of the Academy and shall be responsible to the Board for—

- (a) implementation of the decisions of the Board;
- (b) the day-to-day management of the Academy;
- (c) managing the funds, property and affairs of the Academy;
- (d) the management of the staff of the Academy;
- (e) have overall responsibility for the objectives, strategies policy direction, organization, administration and programs of the Academy; and
- (f) perform such other duties as may be assigned by the Board.

(5) The Director General shall hold office for a term of five years and shall be eligible for reappointment for one further term subject to satisfactory performance.

(6) The Board may terminate the appointment of the Director General in accordance with the terms and conditions of service for—

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct;
- (c) incompetence or negligence of duty; or
- (d) any other ground that would justify the removal from office under the terms and conditions of service.

Corporation
secretary.

14. (1) There shall be a Corporation Secretary to the Board who shall be competitively recruited and appointed by the Board.

(2) The Corporation Secretary shall be responsible for arranging the business of the Board, keeping records of the proceedings of the Board, provide guidance to the Board on their duties and responsibilities on matters relating to governance and shall perform such other duties as the Board may direct.

(3) In the performance of his or her duties under this Act, the Corporation Secretary shall be responsible to the Director General.

(4) The Board may in the absence of the Corporation Secretary appoint a member of staff of the Academy to temporarily perform the functions of the Secretary under subparagraph (2).

(5) Any functions delegated under subparagraph (4) may be so delegated subject to such conditions or restrictions as the Board may either generally or specifically determine.

Academic Council

15. (1) There shall be an Academic Council of the Academy which shall consist of—

- (a) the Director General, who shall be the chairperson;
- (b) persons in charge of Academic affairs;

- (c) the person performing the duties of the registrar of the Academy;
- (d) the person in charge of advancement and placement;
- (e) the person in charge of corporate support services;
- (f) the person in charge of legal services; and
- (g) persons in charge of the Academy's campuses;

(2) For effective discharge of its functions, the Academic Council may establish committees.

(3) The Academic Council may coopt into the Academic Council a person with relevant industry experience, special knowledge, profession or skill which will be of benefit to the Academy.

(4) The registrar shall be the secretary of the Academic Council.

(5) The Academic Council shall —

- (a) develop the content and academic standard in respect of any diploma or certificate award of the Academy, and report its findings to the Board;
- (b) develop criteria for—
 - (i) admission of students, their retention and progression to the next year of study and the award of diplomas, certificates or other awards;
 - (ii) grants, loans and scholarships;
- (c) develop policy direction on—
 - (i) standards and conduct of teaching, examinations, internal and external examiners and assessment;
 - (ii) standard of proficiency for a diploma, certificate or other award;
 - (iii) discipline of students;

- (iv) issuance, denial, withdrawal, replacement and authentication of academic awards and any other matters incidental thereto;
- (v) the procedure for approval of other training institutions to offer the Academy courses or conduct joint training in maritime education and training;
- (vi) transfer of student from Academy campuses centers of excellence and other institutions
- (vii) mode of training;
- (viii) advancement and placement of students;
- (d) develop the academic calendar including academic programs, industrial attachment, internship, sea time and exchange programs of studies;
- (e) receive and approve examination results;
- (f) discuss, evaluate and present to the Board, affiliations of degree programs leading to academic awards and supervise the programs;
- (g) initiate proposals for the establishment of schools, campuses and faculties; and
- (h) perform any other function as the Board may assign.

Delegation of power by the Director General.

16. The Director General may, from time to time, in writing, either generally or particularly, delegate the exercise of any powers or the performance of any duties conferred on him by or under this Act to such person or persons as he may think fit, but such delegation shall not affect the exercise of such powers or performance of such duties by the Director-General.

Staff of the Academy.

17. (1) The staff of the Academy shall comprise of—

- (a) such professional, technical and administrative officers and support staff, as may be appointed by the Academy in the discharge of its functions under this Act; and
- (b) such public officers as may be seconded to the Academy upon the request of the Academy.

(2) The Academy shall, in the appointment of employees, ensure—

- (a) equalization of opportunity for persons with disabilities;
- (b) equalization of opportunities for the youth;
- (c) that not more than two thirds of its staff are of the same gender; and
- (d) that the appointment reflect ethnic and regional diversity of the people of Kenya.

(3) The Board shall, on the advice of the Salaries and Remuneration Commission, determine the salaries of the staff of the Academy who are employed, seconded or deployed to the Academy.

Seal of the Academy.

18. (1) The common seal of the Academy shall be kept and used in such manner as the Board may direct.

(2) The common seal of the Academy shall be authenticated by the signature of the Corporation Secretary, or any other officer duly authorized by the Board in that behalf.

(3) The common seal of the Academy when affixed to any document and authenticated under this section shall be judicially and officially noticed, and unless the contrary is proved, any necessary order or authorization of the Board shall be presumed to have been duly given.

Protection from personal liability.

19. Nothing done by a member of the Board or by any person working under the instructions of the Board shall, if done in good faith for the purpose of executing the powers, functions or duties of the Academy under the Constitution or this Act, render such member or officer personally liable for any action, claim or demand

Protection of name

20. (1) Notwithstanding any other written law, no public officer performing functions relating to the registration of companies or business names shall accept for registration any name which includes the words “Bandari Maritime”, “Regional Maritime Centre of Excellence” or “Centre of Excellence for Maritime Education and Training”, unless the application for the registration is accompanied by the written consent of the Board.

(2) Any person who, without the written consent of the Board, uses the words “Bandari Maritime”, “Regional Maritime Centre of Excellence” or “Centre of Excellence for Maritime Education and Training” in furtherance of, or in connection with, any advertisement for any trade,

business, profession or calling, commits an offence and is liable upon conviction to imprisonment for a term not exceeding six months or a fine not exceeding five hundred thousand shillings or to both.

The Alumni Association

21. (1) There shall be an Alumni Association of the Academy which shall consist of the graduates of the Academy and such other persons as may be specified by the Board.

(2) The Board shall prescribe guidelines on the operationalization of the Alumni Association.

PART III—FINANCIAL PROVISIONS

Funds of the Academy.

22. The funds of the Academy shall include—

- (a) such sums as may be appropriated by Parliament for the purposes of the Academy;
- (b) tuition fees and such monies as may accrue or vest in the Academy in the course of the exercise of its powers or the performance of its functions under this Act or any other written law;
- (c) gifts, grants or donations made to the Academy including from the maritime industry; and
- (d) such amounts from any public funds that may be created by law for the purposes of the promotion of any and all of the objects and functions of the Academy.

Financial year.

23. The financial year for the Academy shall be a period of twelve months ending on the thirtieth June in each year.

Annual estimates.

24. (1) At least three months before commencement of a financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Academy for that year.

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

- (a) payment of the salaries, allowances and other charges in respect of the staff of the Academy;

- (b) the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Academy;
- (c) the proper maintenance of the land, buildings, facilities and grounds of the Academy;
- (d) the proper maintenance, repair and replacement of equipment and other movable property of the Academy;
- (e) the cost of teaching, research and outreach activities of the Academy; and
- (f) future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment and in respect of such other matters as the Board may think fit.

(3) In drawing its annual estimates and development Plans, the Academy shall consult with the relevant Ministry and other Government agencies responsible for technical institutions grants.

(4) Annual estimates shall be approved by the Board before the commencement of the financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and after the Cabinet Secretary has given his approval, the Board shall not increase any sum provided in the estimates without the consent of the Cabinet Secretary.

(5) No expenditure shall be incurred for the purpose of the Academy except in accordance with the annual estimates approved under subparagraph (4) or in pursuance of an authorization of the Board given with the prior approval of the Cabinet Secretary.

Accounts and audit.

25. (1) The Board shall cause to be kept all proper audit books and records of accounts of the income, expenditure, assets and liabilities of the Academy.

Cap 412a

(2) The accounts of the Academy shall be audited and reported upon in accordance with the Public Audit Act, 2015 and the Public Finance Management Act, 2012.

No. 6 of 2012

Investment of fund

26. (1) The Board may invest any of the monies of the Academy which are not immediately required for its purposes in such manner as the National Treasury may, direct.

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

Annual report. **27.** The Board shall, within three months after the end of each financial year, prepare and submit to the Cabinet Secretary a report of the operations of the Academy for the immediately preceding financial year.

PART IV—ADMISSION ,STANDARDS, CURRICULUM, EXAMINATION, CERTIFICATION, CENTRES OF EXCELLENCE AND FEES

Admission to the Academy. **28.** The Academic Council shall, with the approval of the Board, prescribe the admission criteria for the Academy.

Standards. **29.** For purposes of assuring standards, quality and relevance in training, the Academic Council with the approval of the Board shall—

(a) establish and maintain training standards that meet national, regional and international requirements;

No. 4 of 2009 (b) maintain and adhere to the training and certification standards established under the Merchant Shipping Act, 2009 and other written laws; and

(c) administer policies and guidelines developed under this Act or any other written law.

Curriculum on Maritime Education and Training. **30.** (1) In development of the maritime education training curriculum, the Academy shall—

(a) advise and recommend on curricula that meets industry demands;

(b) implement the policies relating to curriculum development;

(c) initiate and conduct research to inform on policies on development and review of curricula;

(d) collect, document and catalogue information on curricula, support materials and innovations to create a data bank;

(e) disseminate information on maritime education and training curriculum to maritime education and training institutions and other relevant organizations;

- (f) collaborate with other individuals and institutions in organizing and conducting professional development programs for trainers, quality assurance and standards officers and other officers involved in implementation of maritime education and training programs;
- (g) promote equity and access to quality curricula and curriculum support materials;
- (h) promote appropriate utilization of technology to enhance innovations and achievement of a knowledge based economy;
- (i) incorporate national values, talent development and leadership values in curriculum development;
- (j) develop and implement a reporting, monitoring and evaluation framework;
- (k) receive, consider, develop and review curriculum proposals; and
- (l) perform such other function as may be assigned to it under this Act or any other written law.

Examination and certification.

31. In assessment and examination of the maritime education and training programs, the Academic Council shall—

- (a) ensure that examinations and competence assessment are undertaken;
- (b) make rules and prescribe conduct with respect to examinations and competence assessments;
- (c) recommend issuance of certificates to candidates who satisfy the Academy's examination and competence assessment requirements; and
- (d) investigate and determine cases involving indiscipline by candidates registered with it.

Approval of programs.

32. (1) A training institution, that intends to enter into an arrangement to offer Academy's courses or joint trainings in maritime education and training, shall apply to the Board in the prescribed manner for approval.

(2) Any person or institution who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding

two million shillings or to imprisonment for a term not exceeding three years or to both

Fees and other charges

33. (1) The Director General, with the approval of the Board shall determine the fees and other charges payable for any service or facility offered by the Academy.

(2) The Board may issue grants, loans or scholarships or waive fees or any charges as it may deem fit.

PART V—MISCELLANEOUS PROVISIONS

Regulations

34. The Cabinet Secretary may make Regulations generally for the better carrying out into effect of the provisions of this Act.

Savings and transitional provisions.

35. (1) In this section “**Former Academy**” means the Bandari Maritime Academy established under paragraph 3 of the Legal Notice No. 233 of 2018.

(2) The Chairperson and members of the Board of the Former Academy, shall, at the commencement of this Act, be deemed to be the Chairperson and members of the Board of the Academy, respectively, for the unexpired period of their term.

(3) A person who, immediately before the commencement of this Act, was a member of staff of the Former Academy shall be deemed to be a member of staff of the Academy for the unexpired period of his or her service and in accordance to his or her terms of service:

Provided that a member of staff of the Academy may exercise the option not to continue in the service of the Academy.

(4) All rights, obligations, powers and duties whether arising under any written law or otherwise which immediately before the effective date were vested in or imposed on Former Academy shall, by virtue of this subparagraph, be deemed to be vested in or imposed on the Academy.

(5) All the funds, assets, liabilities and other movable and immovable property including land, buildings, machinery, apparatus and materials, which immediately before the coming into operation of this Act, were held by or on behalf of the Former Academy shall by virtue of this subsection be vested in the Academy.

(6) All actions, suits or legal proceedings by or against the Former Academy shall be carried on or prosecuted by or against the Former

Academy and no such suit, action or legal proceedings shall abate or be affected by the coming into operation of this Act.

(7) The administrative directions made by the Former Academy or by the Cabinet Secretary which were in force immediately before the coming into operation of the Act shall, on and after such day, have force as if they were directions made by the Board or the Cabinet Secretary under this Act.

(8) Any reference in any written law or in any document or instrument to the Former Academy shall on and after the commencement of this Act, be construed to be a reference to the Academy.

SCHEDULE

[Section 11.]

PROCEDURE FOR MEETINGS OF THE BOARD

1. The Board shall meet as often as may be necessary for the discharge of its business but there shall be at least four meetings of the Board in any financial year.
2. A meeting of the Board shall be held on such date and at such time as the Board shall decide.
3. The chairperson shall, on the written application of one-third of the members, convene a special meeting of the Board.
4. Unless the majority of the total membership of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.
5. The quorum for the conduct of business at a meeting of the Board shall be two-thirds of all the members of the Board.
6. The Chairperson shall preside at every meeting of the Board at which he or she is present and in the absence of the chairperson at a meeting, the members present shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.
7. Unless a unanimous decision is reached, a decision on any matter before the Board shall be by concurrence of a majority of all the members.
8. Subject to paragraph 5, no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.
9. Unless otherwise provided by or under any law, all instruments made by and decisions of the Board shall be signified under the hand of the Chairperson and the Corporation Secretary.
10. The Board shall cause minutes of all proceedings of meetings of the Board to be entered in books for that purpose.

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to establish the Bandari maritime Academy. Currently, the Academy is established through Legal Notice No. 233 of 28th November 2018. There is need to provide for a substantive legal framework with appropriate administrative provisions through the enactment of an Act of Parliament for purpose of longevity and effective implementation and realization. This is because, the Blue Economy is a global emerging economic frontier which represents a huge opportunity and potential to achieve economic growth and generate jobs. However, this new economic sector does not have enough experts to drive its growth at all levels. The existing educational institutions do not provide the specialized skills and knowledge required by various sectors of the Blue Economy.

The global maritime sector currently suffers a deficit of about 459,000 of lower cadre staff of seafarers and 80,000 officers, which is an opportunity for Kenya to explore through development of capacity of its youth. Kenya has about 4,500 trained seafarers and targets to have a Kenyan on board every ship by the year 2030.

In addition, thereto, it has been noted that there has been a continuous growth in the maritime sector in Kenya, but the few institutions have not developed adequate capacity to offer maritime training as per the required standards. Kenya therefore faces serious human resource and technological challenges. Comparing the situation with other countries in South, West and North Africa, Kenya is still lagging behind in human capacity for the maritime sector.

From the foregoing, it has become apparent that there is need for an appropriate legislative framework for the Academy to be able to execute its functions effectively and efficiently.

PART I—PRELIMINARY

This Part contains section 1—3. It contains the short title of the Bill, interpretation of terms as used in the Bill and the objects of the Bill.

PART II—ADMINISTRATION OF THE ACADEMY

This part comprises of section 4—20. It contains provision on establishment of the Academy, powers, composition, term of office and qualification of members of the Board. It also contains the provisions on the functions, procedure of nomination and appointment of the members of the Board and provisions on the Director General, Corporation Secretary and staff of the of the Academy.

PART III—FINANCIAL PROVISIONS

This Part contains section 21-26. It contains provision on the funds of the Academy, remuneration and allowances of the members of the Academy. It further provides for the financial year of the Academy and the requirement for the accounts, audit and annual reports.

PART IV—ADMISSION, STANDARDS, CURRICULUM, EXAMINATION, CERTIFICATION, CENTRES OF EXCELLENCE AND FEES

This part contains section 27-32. It contains substantive provisions of the Bill detailing, admission to the Academy, standards, curriculum on Maritime, Education and Training, centers of excellence and fees.

PART V – MISCELLANEOUS PROVISIONS

This part comprises section 33-34. It contains provision on offences and savings and transition.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement as to whether the Bill concerns county governments

The Bill does not affect the functions of the county governments and is therefore not a Bill concerning counties for purposes of the Standing Orders.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The Bill is a money Bill for the purposes of Article 114 of the Constitution as the enactment of this Bill will occasion additional expenditure of public funds.

Dated the,..... 2021.

Chairperson

NATIONAL ASSEMBLY STANDING COMMITTEE ON TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN DEVELOPMENT AND PUBLIC WORKS.