



LAWS OF KENYA

KENYA CULTURAL CENTRE ACT

CHAPTER 218

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CHAPTER 218

KENYA CULTURAL CENTRE ACT

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CONSTITUENT MEMBERS

CHAPTER 218

KENYA CULTURAL CENTRE ACT

[Date of assent: 27th December, 1950.]

[Date of commencement: 20th March, 1951.]

An Act of Parliament to incorporate the Kenya Cultural Centre and to confirm and extend its powers

[Act No. 60 of 1950, Act No. 2 of 1957, Act No. 16 of 1963, L.N. 649/1963, Act No. 19 of 1964, L.N. 2/1964, L.N. 236/1964, Act No. 21 of 1966, Act No. 4 of 1973, Act No. 2 of 1977, L.N. 410/1988.]

1. Short title

This Act may be cited as the Kenya Cultural Centre Act.

2. Establishment, objects and incorporation of Kenya Cultural Centre

(1) The establishment of the Cultural Centre is hereby confirmed.

(2) The Kenya Cultural Centre shall consist of such societies, institutions and organizations (in this Act referred to as "Constituent Members") of a cultural, academic or philanthropic nature as are set out in the Schedule together with such other societies, institutions and organizations of a like nature as may be appointed as constituent members under section 7.

(3) The objects of the Cultural Centre shall be to provide a centre for the use and enjoyment of the citizens of Kenya without distinction of race or creed, and to provide for the performance of music, drama and dancing, for the exhibition of works of art and craft and for the holding of meetings for discussion of matters of literary, historical, scientific or educational interest or importance, and such other purposes generally as may be approved by the Council, not being incompatible with the objects hereinbefore expressed.

(4) The Cultural Centre shall be a body corporate under the style of the Kenya Cultural Centre, and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall have power for the purposes of this Act to acquire and hold, mortgage, charge, lease, or let movable and immovable property and to sell, lease, dispose of or otherwise deal with movable or immovable property acquired by it and no longer required for such purposes.

[L.N. 410/1988.]

3. Constitution and proceedings of the Council

(1) The Council shall consist of not less than five nor more than twelve persons, appointed by the Minister.

(2) The Council shall act by a majority of the members present and voting at any meeting.

(3) The Chairman of the Council shall be elected by the Council and shall, at any meeting over which he presides, in the event of an equality of votes, have a casting vote.

(4) The Chairman shall hold office for a term of two years and shall be eligible for re-election, but shall cease to hold office if he ceases to be a member of the Council.

(5) The persons appointed to the Council by the Minister shall hold office during the Minister's pleasure.

(6) The Council shall, from among its members, appoint one person to be Deputy Chairman of the Council, who if present shall preside at any meeting from which the Chairman is absent and, while so presiding, shall have all the powers of the Chairman.

(7) If neither the Chairman nor the Deputy Chairman is present at a meeting of the Council, the members present shall elect their own chairman.

(8) At any meeting of the Council three members present shall form a quorum.

(9) The Council shall keep such minute and other books as may be necessary to record all resolutions and other business of the Council.

[Act No. 2 of 1957, s. 2, L.N. 649/1963, Act No. 21 of 1966, First Sch., Act No. 4 of 1973, Sch.]

4. Temporary members

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

[L.N. 649/1963.]

5. Powers and duties of Council

(1) The Council shall by resolution determine the policy of the Cultural Centre and give directions with regard to any matters coming within the scope of its objects hereinbefore set out and the activities generally of the Cultural Centre, and in particular and without prejudice to the generality of the foregoing powers with regard to—

- (a) finance;
- (b) buildings and the management and use thereof and the commercial management of any theatrical or other undertaking sponsored by the Cultural Centre;
- (c) maintenance and improvements;
- (d) the acquisition, sale, leasing or letting or other disposition of property movable or immovable;
- (e) the raising of funds by mortgage or otherwise;
- (f) the investment in such securities as the Council may authorize of the funds of the Cultural Centre;
- (g) the employment, remuneration and dismissal of a Director and of staff and servants of the Cultural Centre.

(2) The Council—

- (a) shall appoint auditors for the funds of the Cultural Centre;
- (b) shall obtain the advice of the Trustee on all matters relating to finance;
- (c) *deleted by Act No. 16 of 1963, s. 2.*;
- (d) may enter into contracts, agreements and such other arrangements as may be necessary to give effect to the policy of the Council.

[Act No. 16 of 1963, s. 2.]

5A. Appointment of committees

(1) The Council may from time to time appoint such committees, either of a general or of a special nature, consisting of such number of persons, as the Council thinks fit, for the purpose of examining and reporting upon any matter or performing any act which in the judgment of the Council would be more conveniently performed by means of a committee, and may delegate to any committee such powers (other than power as to the exercise of which special provision is made in this Act) as it thinks fit, and may fix the quorum of any such committee.

(2) In no case shall any act of any committee be binding on the Council until it has been referred to and approved by the Council, except in cases where the Council has, by resolution, authorized the committee to manage, regulate or conclude the matter to which the act relates.

(3) Each committee shall elect its own chairman, and may also elect a deputy chairman, and shall, subject to the provisions of this Act, have power to regulate its own procedure.

(4) Every committee appointed by the Council may be dissolved, after notice of motion to that effect, by resolution of the majority of the whole Council.

[Act No. 16 of 1963, s. 3.]

6. Nairobi War Memorial Fund

The Council shall determine by what visible means (acceptable to the Trustees of the Nairobi War Memorial Fund) shall be perpetuated the fact that the Nairobi War Memorial is incorporated in the Cultural Centre.

7. Constituent members

(1) The Council may appoint as a constituent member any society, institution or organization which makes application in that behalf to the Council and which the Council is satisfied has objects compatible with the objects of the Cultural Centre and the purposes of this Act.

(2) The Council may remove any constituent member if it considers that such member has ceased to continue sufficient or satisfactory activity of a nature considered by the Council to be desirable in the interests of the Cultural Centre.

8. *Repealed by Act No. 16 of 1963, s. 4.*
9. *Repealed by Act No. 16 of 1963, s. 4.*
10. *Repealed by Act No. 16 of 1963, s. 4.*
11. *Repealed by Act No. 16 of 1963, s. 4.*
12. *Repealed by Act No. 16 of 1963, s. 4.*
13. *Repealed by Act No. 16 of 1963, s. 4.*
14. *Repealed by Act No. 16 of 1963, s. 4.*

15. Accounts and audit

(1) The Council shall cause to be kept proper books of account, records and vouchers in relation to all its funds, activities and property, and shall as soon as possible after the end of its financial year cause to be prepared, signed and transmitted to the Council's auditor an income and expenditure account and balance sheet.

(2) The accounts shall be examined, audited and reported upon annually by the Council's auditor, who shall be the holder of a practising certificate issued pursuant to section 21 of the Accountants Act (Cap. 531).

(3) The Council shall produce and lay before the auditor all books and accounts of the Council, with all vouchers in support thereof and all books, papers and writings in its possession or control relating thereto, and the auditor shall be entitled to require from all members, officers and employees of the Council such information and explanations as he may consider to be necessary for the purpose of his duties as auditor.

(4) The expenses of and incidental to the audit shall be paid by the Council.

[Act No. 16 of 1963, s. 5, Act No. 19 of 1964, s. 2, Act No. 2 of 1977, s. 46.]

15A. Submission of reports and accounts

(1) The Council shall, as soon as practicable after the end of its financial year, submit to the Minister a report of its operations during such year, together with the yearly balance sheet and income and expenditure account and the auditor's report thereon.

(2) The Minister shall lay the Council's report and the auditor's report, together with the balance sheet and other statements of account, before the House of Representatives within fourteen days of his having received the reports and statements, or, if the House of Representatives is not sitting, within fourteen days of the commencement of the next sitting.

(3) The Council shall, as soon as practicable after submission to the Minister of its annual report, balance sheet, statements of account and auditor's report, call an annual general meeting of the Cultural Centre and submit to it the said reports, balance sheet and statements of account.

[Act No. 16 of 1963, s. 5, L.N. 236/1964.]

16. Attendance and voting at annual general meeting

(1) The following persons shall be entitled to attend the annual general meeting of the Cultural Centre—

- (a) every member of the Council;
- (b) not more than six representatives of each constituent member, deputed by each such member to attend such meeting.

(2) At any such meeting—

- (a) every member of the Council shall have one vote;
- (b) the representatives of each constituent member shall collectively have one vote;
- (c) the Chairman of the Council shall have a casting vote in the event of an equality of votes.

[Act No. 16 of 1963, s. 6, Act No. 4 of 1973, Sch.]

17. Trustee

(1) The appointment of the Trustee and the vesting in the Trustee of all the property movable and immovable of the Cultural Centre upon trust for the Cultural Centre is hereby confirmed.

(2) The Trustee shall hold all property so vested and all immovable property which may hereafter be the property of the Cultural Centre and such funds, moneys and other movable property as may from time to time be delivered to the Trustee by the Council upon trust for the use and benefit of the Cultural Centre to be held and applied in accordance with this Act and the directions of the Council.

(3) The Trustee shall advise the Council on all matters relating to finance and shall within the limits of its lawful authority generally act in accordance with resolutions relative to financial or other matters which may from time to time be passed by the Council and addressed by it to the Trustee.

18. Repealed by L.N. 649/1963.

19. Charter revoked and cancelled

Upon the coming into operation of this Act the Charter shall be deemed to be revoked and cancelled.

SCHEDULE

[Section 2(2), L.N. 410/1988.]

CONSTITUENT MEMBERS

Nairobi Music Society.

Kenya Conservatoire of Music.

The British Council in Kenya.

H.H. Aga Khan Ismailia Provincial Council.

The St. John Ambulance Association (Kenya Centre).
