

## LEGAL NOTICE NO. 171

## THE PUBLIC OFFICER ETHICS ACT, 2003

(No. 4 of 2003)

IN EXERCISE of the powers conferred by section 33 (1) of the Public Officer Ethics Act, 2003, the Commission for Higher Education establishes the following procedures for the administration of Part IV of the Act:—

THE PUBLIC UNIVERSITIES PROCEDURES FOR THE  
ADMINISTRATION OF PART IV OF THE ACT

Citation. 1. These procedures may be cited as the Public Universities Procedures for the Administration of Part IV of the Act.

Interpretation. 2. In these procedures, unless the context otherwise requires —

“administration officer” means the Secretary to the Commission;

“Commission” means the Commission for Higher Education.

Scope of procedures. 3. These procedures are for the administration of Part IV of the Act with respect to the public officers for whom the Commission is the responsible Commission under the Act.

Administration officer. 4. The administration officer shall be responsible for the administration of Part IV of the Act by the Commission.

To whom declarations submitted. 5. (1) Declarations to be submitted to the Commission under Part IV of the Act shall be submitted to the person appointed by the Commission in writing for that purpose who shall be responsible to the administration officer and shall, within the time appointed by the Commission (or, in the event that no time is specified, within a reasonable time) forward the forms to the administration officer.

(2) The person appointed under subparagraph (1) shall keep the information collected in confidence and shall not disclose the information to any other person apart from the administration officer.

6. Requests for clarifications under section 28 of the Act shall be made, on behalf of the Commission, by the administration officer or by staff of the Commission authorized in writing by him for that purpose.

Who may make requests for clarifications.

7. (1) The administration officer, or staff of the Commission authorized by him for the purpose, shall review each declaration to ascertain if, in the opinion of the administration officer or staff, any of the following conditions are satisfied —

Review of declarations, etc.

- (a) on the face of the declaration, or in light of any other information the Commission may have, there is reason to suspect the declaration may be false or incomplete;
- (b) the assets of the person who submitted the declaration are disproportionate to his income; or
- (c) the income, assets or liabilities of the person who submitted the declaration raise concerns of impropriety or conflict of interest.

(2) If it is ascertained that any of the conditions in subparagraph (1) are satisfied, the person who submitted the declaration shall be given an opportunity to give an explanation.

(3) If, after considering any explanation the person who submitted the declaration may give, the administration officer is of the opinion that any of the conditions in subparagraph (1) are still satisfied, the administration officer shall bring the matter to the attention of the Commission.

(4) The Commission may, with respect to a matter brought to its attention under paragraph (3), take such action as it considers appropriate including, without limiting the generality of the foregoing, notifying the Kenya Anti-Corruption Commission and giving the Kenya Anti-Corruption Commission particulars of the condition that is satisfied and a copy of the declaration.

Authorization of staff under s. 30(4)(a).

8. (1) The Commission or the administration officer may authorize staff of the Commission for the purposes of section 30 (4) (a) of the Act.

(2) An authorization under subparagraph (1) shall be in writing.

Condition for certain disclosures to police, etc.

9. Except as provided under paragraph 7 (4), information shall not be disclosed, under section 30 (4) (b) of the Act, to the police or any other law enforcement agency unless a written request is provided.

Condition for disclosures to representatives.

10. Information shall not be disclosed, under section 30 (4) (d) of the Act, to a representative of the person who provided the information unless the representative provides copies of documents that establish the representative's authority to receive the information.

Administration officer to report non-compliance.

11. The administration officer shall ensure that failures by public officers to comply with the requirements of Part IV of the Act are brought to the attention of the Commission.

Dated the 22nd October, 2003.

DAVY KOECH,  
Chairman,  
Commission for Higher Education.

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## THE CO-OPERATIVE SOCIETIES CODE OF CONDUCT AND ETHICS

### ARRANGEMENT OF CODE

Preamble.

#### PART I - PRELIMINARY

1—Citation.

2—Interpretation.