



LAWS OF KENYA

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**PUBLIC HEALTH OFFICERS (TRAINING,  
REGISTRATION AND LICENSING) ACT**

No. 12 of 2013

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*Public Health Officers (training,  
Registration and Licensing)*

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**NO. 12 OF 2013**

**PUBLIC HEALTH OFFICERS (TRAINING,  
REGISTRATION AND LICENSING) ACT**

ARRANGEMENT OF SECTIONS

PART I – PRELIMINARY

*Section*

1. Short title.
2. Interpretation.

PART II – THE PUBLIC HEALTH OFFICERS AND TECHNICIANS COUNCIL

3. Public Health Officers and Technicians Council.
4. Objects and functions of the Council.
5. Powers of the Council.
6. Tenure of office.
7. Termination of appointment of Chairman and members.
8. Disclosure of interest.
9. Meetings of the Council.
10. Delegation by the Council.
11. Remuneration of Council members.
12. Staff of the Council.
13. Protection from personal liability.
14. Liability for damage.

PART III – FINANCIAL PROVISIONS

15. Funds of the Council.
16. Financial year.
17. Annual estimates.
18. Investment of funds.
19. Accounts and audit.
20. Annual report.

PART IV – TRAINING AND REGISTRATION OF  
PUBLIC HEALTH OFFICERS AND TECHNICIANS

21. Approved training institutions.
  22. Supervisory functions of the Council.
  23. The Registrar.
  24. Persons eligible to be registered.
-

*Public Health Officers (training,  
Registration and Licensing)*

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- 25. Application for registration.
- 26. Registers.
- 27. Appeals.

*Public Health Officers (training,  
Registration and Licensing)*

---

- 28. Offences relating to registration.
- 29. Removal of names from the register.

PART V – PROVISIONS RELATING TO PRIVATE PRACTICE

- 30. Qualification for private practice.
- 31. Terms and conditions of private practice.
- 32. Council to issue practicing certificates and annual licences.
- 33. Application for practicing certificate.
- 34. Validity of practicing certificate.
- 35. Renewal cancellation suspension of practicing certificate.
- 36. Application for annual licence.

PART VI – DISCIPLINE

- 37. Disciplinary committee.
- 38. Reference of matters to Committee.
- 39. Functions of the Committee.
- 40. Procedure of the Committee.
- 41. Disciplinary measures.
- 42. Lifting of suspension.
- 43. Restoration of name in register.

PART VII – MISCELLANEOUS PROVISIONS

- 44. Certificates.
- 45. General penalty.
- 46. Regulations.

SCHEDULE

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PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF  
THE COUNCIL

**No. 12 of 2003****PUBLIC HEALTH OFFICERS (TRAINING,  
REGISTRATION AND LICENSING) ACT**

[Date of assent: 14th January, 2013.]

[Date of commencement: 18th September, 2013.]

**An Act of Parliament to make provision for the training, registration and licensing of public health officers and public health technicians, to regulate their practice, to provide for the establishment, powers and functions of the Public Health Officers and Public Health Technicians Council and for connected purposes**

[L.N. 200/2013.]

**PART I – PRELIMINARY****1. Short title**

This Act may be cited as the Public Health Officers (Training, Registration and Licensing) Act, 2012 and shall come into operation on such date as the Cabinet Secretary may, by notice in the *Gazette*, appoint.

**2. Interpretation**

(1) In this Act, unless the context otherwise requires—

“**approved institution**” means the Kenya Medical Training College, a university and such other training institution as the Council may approve for the purposes of this Act;

“**Association**” means the Association of Public Health Officers (Kenya);

“**Cabinet secretary**” means the Cabinet Secretary for the time being responsible for matters relating to public health;

“**certificate**” means a certificate of registration issued by the Council to a person entitled to be registered under this Act;

“**Council**” means the Public Health Officers and Technicians Council established by section 3;

“**public health**” includes environmental health;

“**public health officer**” means a person who has undergone the prescribed course of training in an approved institution and holds a diploma, higher diploma or degree in environmental health;

*Public Health Officers (training,  
Registration and Licensing)*

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**“public health officers and technicians”** means public health officers and public health technicians;

**“public health technician”** means a person who has undergone the prescribed course of training in an approved institution and holds a certificate in environmental health;

“**private practice**” means the practice of public health or environmental health for a fee;

“**register**” means the register of public health officers or public health technicians maintained under section 26;

“**Registrar**” means the Registrar of public health officers and technicians provided for under section 23;

(2) Despite subsection (1) until after the first elections under the constitution references in this Act to the expression “Cabinet Secretary” shall be construed to mean “Minister”.

## PART II – THE PUBLIC HEALTH OFFICERS AND TECHNICIANS COUNCIL

### 3. Public Health Officers and Technicians Council

(1) There is established a Council to be known as the Public Health Officers and Technicians Council.

(2) The Council shall be 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 both movable and immovable property;
- (c) borrowing money;
- (d) entering into contracts;
- (e) doing or performing all such other acts necessary for the proper performance of its functions under this Act, which may be lawfully done or performed by a body corporate.

(3) The Council shall consist of—

- (a) a chairperson appointed by the Cabinet Secretary who shall be—
  - (i) a public health officer of not less than ten years standing; and
  - (ii) the holder of a diploma, higher diploma or degree in public health;
- (b) the Director of Medical Services or his representative;
- (c) the Chief Public Health Officer who shall be the secretary to the Council;
- (d) a representative of the Ministry for the time being responsible for urban areas and cities appointed by the cabinet secretary in consultation with the Association;
- (e) one public health officer from a local authority, appointed by the Cabinet Secretary;
- (f) the Director, Kenya Medical Training College or his representative;
- (g) a representative of the universities in Kenya which award a qualification which is registrable under this Act, nominated by the universities;
- (h) the chairman of the Association;

*Public Health Officers (training,  
Registration and Licensing)*

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- (i) four public health officers who shall represent various public health specialties specified by the Association;
  - (j) one representative of the Kenya Bureau of Standards;
  - (k) one representative of the Physical Planners Registration Board; and
  - (l) one public health technician who shall be elected by the Association.
- (4) The Council shall elect a vice-chairperson from amongst its members.

#### **4. Objects and functions of the Council**

(1) The object and purpose for which the Council is established is to exercise general supervision and control over the training, practice and employment of public health officers and technicians in Kenya and to advise the Government in relation to all aspects thereof.

(2) Without prejudice to the generality of the foregoing, the Council shall—

- (a) in consultation with approved institutions, prescribe the courses of instruction for public health officers and public health technicians;
- (b) prescribe the minimum educational entry requirements for persons wishing to be trained as public health officers or technicians;
- (c) prescribe and conduct examinations in collaboration with the approved institutions;
- (d) consider and approve the qualifications of public health officers and technicians for the purposes of registration under this Act;
- (e) approve institutions other than those established or accredited under the Universities Act, 2012 for the training of public health officers and technicians;
- (f) license and regulate practice of registered public health officers and technicians;
- (g) regulate the professional conduct of registered public health officers and public health technicians and take such disciplinary measures as may be appropriate to maintain proper professional standards;
- (h) maintain a register and records of all public health officers and technicians registered under this Act;
- (i) establish and maintain a professional code of conduct for all persons registered under this Act;
- (j) cause to be published in the Kenya Gazette every calendar year the names of all registered public health officers and public health technicians;
- (k) consider any other matters generally pertaining to public health officers and technicians including prescribing and approving all badges, insignias or uniforms to be worn by public health officers and technicians while on duty, in consultation with the Cabinet Secretary.

**5. Powers of the Council**

The Council shall have all powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Council shall have power to—

- (a) control, supervise and administer the assets of the Council in such manner and for such purpose as best promotes the purpose for which the Council is established;
- (b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Council;
- (c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;
- (d) enter into association with other bodies or organisations within or outside Kenya as the Council may consider desirable or appropriate and in furtherance of the purpose for which the Council is established;
- (e) open a banking account or banking accounts for the funds of the Council; and
- (f) invest any funds of the Council not immediately required for its purposes in the manner provided in section 18.

**6. Tenure of office**

The Chairman or a member of the Council, other than an *ex officio* member, shall hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment but shall be eligible for re-appointment for a further one term.

**7. Termination of appointment of Chairman and members**

A member of the Council, other than an *ex officio* member, may—

- (a) at any time resign from office by notice to the Council, through the Registrar;
- (b) be removed from office by the Cabinet Secretary if the member—
  - (i) has been absent from three consecutive meetings of the Council without the permission of the chairman;
  - (ii) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months, or to a fine exceeding ten thousand shillings;
  - (iii) is incapacitated by prolonged physical or mental illness; or
  - (iv) is otherwise unable or unfit to discharge his functions.

**8. Disclosure of interest**

(1) A member of the Council who has a direct or indirect personal interest in a matter being considered by the Council shall, as soon as possible after the relevant facts concerning the matter have come to his knowledge, disclose the nature of his interest to the Council.

(2) A disclosure of interest made by a member of the Council under subsection (1) shall be recorded in the minutes of the meeting of the Council and

the member shall not, in respect of the matter, be present or take part or vote during any deliberations on the matter by the Council.

#### **9. Meetings of the Council**

(1) The conduct and regulation of the business and affairs of the Council shall be as provided in the Schedule.

(2) Except as provided in the Schedule, the Council may regulate its own procedure.

(3) The Cabinet Secretary may, by notice in the Gazette, amend the Schedule.

(4) The Council may co-opt any person to participate in its deliberations, but a person so co-opted shall not have the right to vote.

#### **10. Delegation by the Council**

The Council may, by resolution generally or in any particular case, delegate to any committee of the Council the exercise of any of the powers or the performance of any of the functions or duties of the Council under this Act.

#### **11. Remuneration of Council members**

The Council shall pay its members such remuneration, fees or allowances for expenses as may be approved by the Cabinet Secretary, on the recommendation of the Council.

#### **12. Staff of the Council**

The Council may appoint such officers and other staff or hire such experts as may be necessary for the proper discharge of its functions under this Act, upon such terms and conditions of service as the Council may determine.

#### **13. Protection from personal liability**

No matter or thing done by a member of the Council or agent of the Council shall, if the matter or thing is done bona fide for executing the functions, powers and duties of the Council under this Act, render the member or agent or any person acting on their directions personally liable to any action, claim or demand whatsoever.

#### **14. Liability for damage**

The provisions of section 13 shall not relieve the Council of the liability, to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by the exercise of any power conferred by this Act, or by the failure, whether wholly or partially, of any works.

### **PART III – FINANCIAL PROVISIONS**

#### **15. Funds of the Council**

The funds of the Council shall comprise of-

- (a) such monies as may be appropriated by Parliament for purposes of the Council;

- (b) such monies as may accrue to or vest in the Council in the course of the exercise of its powers or the performance of its functions under this Act;
- (c) such gifts grants and donations as may be given to the Council; and
- (d) all monies from any other source provided for or donated or lent to the Council.

**16. Financial year**

The financial year of the Council shall be the period of twelve months ending on the thirtieth day of June in every year.

**17. Annual estimates**

(1) The Council shall, at least three months before the commencement of each financial year, cause to be prepared estimates of revenue and expenditure of the Council for that financial year.

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

- (a) payment of salaries, allowances and other charges in respect of the members of staff or agents of the Council;
- (b) payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Council; and
- (c) proper maintenance of buildings and grounds of the Council;
- (d) acquisition, maintenance, repair and replacement of the equipment and other movable property of the Council; and
- (e) creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Council may deem appropriate.

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

(4) No expenditure shall be incurred for the proposes of the Council except in accordance with the annual estimates approved under subsection (3). or in pursuance of an authorization by the Cabinet Secretary.

**18. Investment of funds**

The Council may invest any of the funds of the Council in securities in which, for the time being, trustees may by law invest funds or in any other securities which the Treasury may, from time to time, approve for that purpose.

**19. Accounts and audit**

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

(2) The accounts of the Council shall be audited by the Controller and Auditor-General or by an auditor appointed by the Council with the written approval of the Controller and Auditor-General.

(3) The Council shall, within three months from the end of the financial year to which the accounts relate, submit to the Controller and Auditor-General or an auditor appointed by the Council under subsection (2), the accounts of the Council together with—

- (a) a statement of income and expenditure during the year;
- (b) a statement of the assets and liabilities of the Council on the last day of that year;
- (c) a cash flow statement for the financial year; and
- (d) any other statements and accounts that may be necessary to fully disclose the financial position of the Council.

(4) The accounts of the Council shall be audited and reported upon in accordance with the Public Audit Act (Cap. 412B).

(5) The fees payable to an auditor appointed under subsection (2) shall be determined and paid by the Council.

**20. Annual report**

(1) The Council shall, within three months after the end of each financial year, prepare and submit to the Minister a report of the operations of the Council for the immediate preceding year.

(2) The Cabinet Secretary shall lay the annual report before the National Assembly within three months of the day the National Assembly next sits after the report is presented to him.

PART IV – TRAINING AND REGISTRATION  
OF PUBLIC HEALTH OFFICERS AND

**21. TECHNICIANS**

(1) No person being in charge of a training institution in Kenya shall—

- (a) admit persons for training with a view to qualifying for registration under this Act.
- (b) conduct a course of training or administer the examination prescribed for the purpose of registration under this Act; or
- (c) issue any document or statement implying that the holder thereof has undergone a course of training or passed the examinations prescribed by the Council for purposes of registration:

unless such institution established or accredited under the Universities Act, 2012 is approved by the Council for that purpose in accordance with this Act.

(2) A person who contravenes any of the provisions of subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten million shillings, or to imprisonment for a term not exceeding ten years, or to both.

(3) The Council shall prescribe the procedure for approving training institutions other than those established or accredited under the Universities Act, 2012 for the purposes of this section.

(4) The Registrar shall publish a list of the training institutions approved under this Act.

## **22. Supervisory functions of the Council**

(1) The Council shall satisfy itself that the courses of study to be followed by students for the award of a degree or diploma in public health, including the standard of proficiency required for admission thereto and the standards of examinations leading to the award of a degree or diploma, are sufficient to guarantee that the holder thereof has acquired the knowledge and skill necessary for the efficient practice of public health.

(2) For the purposes of this section, the Council may—

- (a) appoint persons to visit any university or other institution in Kenya offering a course in public health and to report to it on the course of study, staffing and equipment available for training in public health and other arrangements available for such training;
- (b) appoint persons to attend examinations in any aspect of public health at any university or institution and to report to it on the sufficiency of the examinations and on such matters relating thereto as the Council may require; or
- (c) require the dean or head of the public health or environmental health department at any university or institution to provide written information to it concerning any of the matters referred to in paragraphs (a) or (b).

(3) The Council shall forward a copy of any report made under subsection (2) to the university or institution concerned and may, if it is satisfied that the standard of any course or examination is insufficient, and after it has given the university or institution an opportunity to make observations on the report, in writing, require the university or institution to take such measures as the Council may specify to improve the standard of the course or examination.

(4) If the Council, is satisfied that the university or institution referred to in subsection (3) has failed to take measures which are in the opinion of the Council necessary to improve the standard of any course or examination, the Council may cancel or suspend any recognition of a degree, diploma, or other qualification awarded by that university or institution.

(5) A degree awarded prior to a cancellation or suspension under subsection (4) shall not be affected by the cancellation or suspension.

(6) This section shall not apply to universities established or accredited under the Universities Act, 2012.

**23. The Registrar**

The Chief Public Health Officer shall be the Registrar of the Council and shall perform such duties as are prescribed by this Act.

**24. Persons eligible to be registered**

(1) Subject to the provisions of this section, a person shall be eligible for registration under this Act as a public health officer or public health technician if he is the holder of a certificate, diploma or degree which is recognized by the Council as making him eligible for registration and—

- (a) after obtaining that certificate, diploma or degree, he has engaged in training employment under the supervision of a registered public health officer for such period, being not less than one year, as the Council may approve;
- (b) he satisfies the Council that, while engaged in training employment as specified in paragraph (a), he has acquired sufficient knowledge of, and experience in the practice of public health; and
- (c) he satisfies the Council that he is a person of good moral character and a fit and proper person to be registered under this Act.

(2) Where the Council does not recognise a certificate, diploma or degree in public health held by a person, for purposes of registration, it shall assess the person's suitability for registration and for the purpose of so doing, may require that person to attend an interview and to undergo an oral or written examination

(3) Despite subsection (2), all certificates, diplomas or degrees issued by a university or accredited under the Universities Act, 2012 shall be recognized by the Council.

(4) The Council may, after assessing the suitability for registration of a person under subsection (1), direct that before registration, the person shall undergo such further period of training or pass such examination as it may specify.

(5) The Council shall not authorise the registration of a person unless it is satisfied—

- (a) that the requirements of subsection (1) have been fulfilled; or
- (b) in the case of a person referred to in subsection (2), that the requirements of subsection (1) have been fulfilled and that the person has undergone any further period of training or passed any examination specified by the Council under subsection (3).

(6) The Council may, where it considers it expedient so to do, delegate the assessment of suitability for registration under subsection (2) to a committee of the Council which shall, after making the assessment, make recommendations to the Council accordingly.

(7) The Council shall register every qualified person by entering his name, address, professional qualifications and such other particulars as the Council may prescribe, in the appropriate register kept for that purpose pursuant to section 26.

**25. Application for registration**

(1) A person wishing to be registered under this Act shall apply to the Council.

(2) An application under subsection (1) shall be in the prescribed form and shall be accompanied by the prescribed fee.

**26. Registers**

(1) The Registrar shall maintain a separate register of—

- (a) public health officers; and
- (b) public health technicians,

in such form as the Council may prescribe.

(2) The Registrar shall—

- (a) not later than the 31st March in every year, publish in the Gazette, the names, addresses and qualifications of all public health officers and technicians registered in the previous year; and
- (b) subject to the directions of the Council, cause to be published any amendments or deletion from the registers.

(3) Every public health officer or technician shall notify the Registrar of any change in his registered address.

(4) The Registrar may, with the consent of the person concerned remove from the register, the name of a person who has ceased to practise.

(5) A name removed from the register under subsection (4) may, at the request of the person concerned, on the approval of the Council and on payment of the prescribed fee, be reinstated by the Registrar.

(6) Any person may inspect the register and any documents relating to any entry therein, and may obtain from the Registrar, a copy of, or an extract from the registers on payment of the prescribed fee.

**27. Appeals**

A person aggrieved by a decision of the Council not to register him under section 24 may appeal to the Cabinet Secretary within sixty days of being notified of the decision.

**28. Offences relating to registration**

(1) No person shall practice as a public health officer or technician in any health institution or in any other place in Kenya unless that person is registered under this Act.

(2) A person who contravenes the provisions of subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding twelve months, or to both.

(3) No person shall, while in charge of a health institution or any other health organization in Kenya, employ a person who is not registered under this Act as a public health officer or technician.

(4) A person who contravenes the provisions of subsection (3) commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings, or imprisonment for a term not exceeding five years, or to both.

(5) Any person who, in an application for registration, willfully makes a false or misleading statement or utters a false certificate, commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or to both.

### **29. Removal of names from the register**

(1) The Registrar shall remove from the register—

- (a) the names of all deceased persons;
- (b) the names of all persons removed from the register under section 26(4) and section 41(1)(e); or
- (c) any entries fraudulently or erroneously made.

(2) The Registrar shall, as soon as reasonably practicable, cause the name and address of every person whose name is removed from the Register under this section, to be published in the Gazette.

## **PART V – PROVISIONS RELATING TO PRIVATE PRACTICE**

### **30. Qualification for private practice**

(1) Subject to this Act, no person shall be qualified to engage in private practice as a public health officer or technician unless that person—

- (a) is a Kenyan citizen;
- (b) is registered under this Act;
- (c) holds a valid practising certificate and annual licence issued under this Act;
- (d) has served as a public health officer or technician under supervision for a period of not less than five years; and
- (e) holds a certificate, diploma or a degree recognised by the Council under this Act.

(2) For the purposes of this Act, a person shall be deemed to engage in private practice if he practises as a public health officer or technician—

- (a) on his own account and is entitled to receive the entire amount of all fees and charges earned for his own financial benefit;
- (b) in partnership with others and is entitled to receive a share of the profits earned by such partnership and is liable to bear a share of any losses incurred by such partnership, but no person shall be deemed to engage in private practice where he is employed—
  - (i) by the Government or any other public body;
  - (ii) by a state corporation as defined by the State Corporations Act (Cap. 446); or

- (iii) by any person or partnership engaged in his profession where all fees and charges earned by him are to the benefit of his employer, notwithstanding that he is engaged in his professional capacity as a public health officer or technician.

(3) A person who engages in private practice as a public health officer or technician contrary to the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or to both.

### **31. Terms and conditions of private practice**

(1) The Council shall, in regulations, prescribe the terms and conditions of the practice of a public health officer or technician engaged in private practice.

(2) Regulations made under subsection (1) shall in particular provide for—

- (a) the services to be rendered by a public health officer or technician in private practice; and
- (b) the employment of a public health officer or technician in private institutions.

(3) A person who breaches any term or condition prescribed by the Council under this section commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings, or imprisonment for a term not exceeding twelve months, or to both.

### **32. Council to issue practicing certificates and annual licences**

The Council shall issue, in accordance with the provision of this Part and any rules made under this Act, a practising certificate and an annual licence to a public health officer or technician authorizing the public health officer or technician named therein to engage in private practice.

### **33. Application for practicing certificate**

(1) An application for a practising certificate shall be made to the Registrar in duplicate, signed by the applicant, specifying his name and place of practice and the date of his registration as a public health officer or technician.

(2) Every application under this section shall be accompanied by the prescribed fee.

(3) The Council shall, where a public health officer or technician is duly registered under this Act and is not for the time being suspended from practice, within sixty days of receipt by the Council of the application, issue to the applicant a practising certificate in the prescribed form.

(4) The Registrar shall keep one copy of every application delivered to him under this section.

### **34. Validity of practicing certificate**

(1) Every practising certificate shall bear the date on which it is issued and shall have effect from that day.

(2) A practising certificate issued under this section shall be valid from the date it is issued and shall expire on the 31st December of the year it is issued:

Provided that, where the name of the public health officer or technician is removed or struck off the register, the practising certificate, if any, shall expire forthwith.

(4) The Registrar shall enter in the register the date of issue of every practising certificate.

### **35. Renewal, cancellation suspension of practicing certificate**

(1) A public health officer or technician issued with a practising certificate may apply for renewal of the certificate in the prescribed form at least thirty days before the date of expiry thereof.

(2) A public health officer or technician who fails to renew his practising certificate within the prescribed period shall, when applying for a renewal, be required to pay such late application fee, as shall be prescribed by the Council.

(3) The Council shall have the power to renew any practising certificate and may, refuse to renew, cancel, withdraw or suspend a practising certificate for a period not exceeding twelve months, if satisfied that the public health officer or technician is guilty of professional misconduct or is in breach of any provisions of this Act or any regulations made thereunder.

(4) A public health officer or technician aggrieved by the decision of the Council in the exercise of its powers under subsection (3) may appeal to the Cabinet Secretary within thirty days of the receipt of the decision and the decision of the Minister shall be final.

### **36. Application for annual licence**

A person registered under this Act who wishes to engage in private practice may apply for an annual licence in the prescribed form and pay the prescribed fee.

## **PART VI – DISCIPLINE**

### **37. Disciplinary committee**

(1) There is established a Disciplinary Committee of the Council which shall consist of—

- (a) the chairman of the Association who shall be chairman of the Committee;
- (b) one representative of the Cabinet Secretary who shall be a member of the Council;
- (c) one representative of the Attorney-General;
- (d) the Registrar who shall be the secretary; and
- (e) one public health technician from private practice nominated by the Council, who is not a member of the Council.

(2) The quorum of the Committee shall be four members.

**38. Reference of matters to Committee**

If the Council has reason to believe that a person registered under this Act has been, either before or after he was registered—

- (a) convicted of an offence punishable by imprisonment, the commission of which in the opinion of the Council, has dishonored him in the public estimation; or
- (b) guilty of negligence or professional misconduct in respect of his profession; or
- (c) guilty of impropriety or misconduct in respect of his profession,

it may refer the matter to the Disciplinary Committee.

**39. Functions of the Committee**

The functions of the Committee shall be to inquire into any matter referred to it by the Council under section 37 and to make its recommendations thereon to the Council.

**40. Procedure of the Committee**

(1) Upon an inquiry under section 39, the public health officer or technician subject to the inquiry shall be afforded an opportunity to be heard either in person or through an advocate.

(2) For the purpose of proceedings at any inquiry by the Committee, the Committee may administer oaths or affirmations and may, subject to any regulations made under section 46, enforce the attendance of persons as witnesses and the production of any books or other documents relevant to the inquiry.

(3) The Committee shall, subject to any regulations made under this Act, have power to regulate its own procedure in any disciplinary proceedings.

**41. Disciplinary measures**

(1) Where on the recommendations of the Committee the Council is satisfied that a public health officer or technician is in breach of any of the terms or conditions prescribed by the Council under section 31, the Council may—

- (a) issue the public health officer or technician with a letter of admonishment;
- (b) suspend the registration certificate of the public health officer or technician for a specified period not exceeding twelve months;
- (c) suspend, withdraw or cancel the practising certificate of the public health officer or technician for a period not exceeding three months;
- (d) impose a fine which the Council deems appropriate in the circumstances; or
- (e) remove the name of the public health officer or technician from the register.

(2) The Council may order a public health officer or public officer technician to reimburse costs and witness expenses incurred in connection with a disciplinary hearing and such costs shall be a civil debt recoverable summarily by the Council.

(3) Where, after the hearing in disciplinary proceedings under this Act the Committee recommends to the Council that a public health officer or technician is unfit to practice as a result of ill-health, the Council may, if satisfied with the Committee's recommendations, withdraw the certificate of registration or practising certificate of the public health officer or technician until such time as the Council is satisfied that the officer or public health technician is fully recovered to resume his duties.

(4) A public health officer or technician who has been suspended from practice or whose licence to practice has been withdrawn or cancelled shall, from the date of the suspension, withdrawal or cancellation, surrender his registration and practising certificates and annual licence to the Registrar.

(5) A public health officer or technician who refuses or fails to surrender his badges, licences or certificates to the Registrar on request shall be guilty of professional misconduct and liable to a fine of not less than twenty thousand shillings by the Council.

(6) A public health officer or technician who is aggrieved by the decision of the Council in the exercise of its powers under this section may, within sixty days from the date of the decision of the Council, appeal to the High Court.

#### **42. Lifting of suspension**

(1) A public health officer or technician who has been suspended from practising, may appeal to the Council for the lifting of the suspension at any time before the expiry thereof.

(2) Where the Council is satisfied that the suspension of a public health officer or technician should be lifted, the Council shall, upon the receipt of the prescribed fee, lift the suspension and restore to the public health officer or technician, his registration and practising certificates and his annual licence.

#### **43. Restoration of name in register**

(1) A public health officer or public health technician whose name has been removed from the register may, after the expiry of a period of three years from the date of such removal, appeal to the Council for restoration of his name in the register.

(2) The Council may, after considering the appeal made under subsection (1), cause the name of the applicant to be restored in the appropriate register, upon payment of the prescribed fee.

### **PART VII – MISCELLANEOUS PROVISIONS**

#### **44. Certificates**

(1) A certificate under the seal of the Council to the effect that a person is or was at any date registered under this Act shall be conclusive evidence of the facts so stated.

(2) All certificates under the seal of the Council shall remain the property of the Council.

(3) A person whose name is removed from the register or in the case of a deceased person, his legal representative shall, within thirty days of the publication of such removal, surrender the certificate of registration of that person to the Council.

(4) A person who—

- (a) destroys or defaces a certificate of registration;
- (b) without reasonable excuse, is in possession of a certificate of registration not issued to him; or
- (c) fails to surrender a certificate of registration under subsection (3),

commits an offence and shall, on conviction, be liable to a fine not exceeding thirty thousand shillings, or to imprisonment for a term not exceeding five years, or to both.

#### **45. General penalty**

A person convicted of an offence under this Act for which no penalty is provided shall, on conviction, be liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding two years, or to both.

#### **46. Regulations**

The Council may, with the approval of the Cabinet Secretary, make regulations generally for the better carrying out of the provisions of this Act and, without prejudice to the generality of the foregoing, such regulations may provide for—

- (a) the form and method of keeping the registers and other records under this Act;
  - (b) the conditions under which training institutions other than those established or accredited under the Universities Act, 2012 may be approved;
  - (c) the course content and examination for public health officers or public health technicians for purposes of registration under this Act;
  - (d) the standards and conditions of professional practice of registered public health officer or technicians;
  - (e) the forms and fees to be prescribed for purposes of this Act;
  - (f) the procedure for election of the members of the Council required to be elected;
  - (g) the inspection of health institutions; and anything required to be prescribed under this Act.
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## SCHEDULE

[Section 9.]

PROVISIONS AS TO THE CONDUCT OF  
BUSINESS AND AFFAIRS OF THE COUNCIL**1. Meetings**

(1) The Council shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding subparagraph (1), the chairman may, and upon requisition in writing by at least five members shall, convene a special meeting of the Council at any time for the transaction of the business of the Council.

(3) Unless three quarters of the total members of the Council otherwise agree, at least fourteen days' written notice of every meeting of the Council shall be given to every member of the Council.

(4) The quorum for the conduct of the business of the Council shall be eight members.

(5) The chairman shall preside at every meeting of the Council at which he is present but in his absence, the vice-chairman shall preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairman.

(6) In the event of the absence of both the chairman and the vice chairman, the members present shall elect one of their number to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairman.

(7) Unless a unanimous decision is reached, a decision on any matter before the Council shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the chairman or the vice-chairman or the person presiding shall have a casting vote.

(8) Subject to paragraph (4), no proceedings of the Council shall be invalid by reason only of a vacancy among the members thereof.

(9) Subject to the provisions of this Schedule, the Council may determine its own procedure and the procedure for any committee of the Council and for the attendance of other persons at its meetings and may make rules in respect thereof.

**2. The common seal**

The affixing of the common seal of the Council shall be authenticated by the signature of the chairman and the Registrar and any document not required by law to be made under seal and all decisions of the Council may be authenticated by the signatures of the chairman and the Registrar:

Provided that the Council shall, in the absence of either the chairman or the Registrar in any particular matter, nominate one member to authenticate the seal of the Council on behalf of either the chairman or the Registrar.

### **3. Contracts and instruments**

Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Council by any person generally or specially authorized by the Council for that purpose.

