

1<sup>st</sup> August, 2014

**LEGAL NOTICE No. 106**

**THE SCIENCE, TECHNOLOGY AND INNOVATION ACT, 2013  
(No.28 of 2013)**

IN EXERCISE of the powers conferred by section 45 (1) of the Science, Technology and Innovation Act, 2013 the Cabinet Secretary for the time being responsible for Education, Science and Technology makes the following Regulations:-

***THE SCIENCE, TECHNOLOGY AND INNOVATION (REGISTRATION AND ACCREDITATION OF RESEARCH INSTITUTIONS) REGULATIONS, 2014***

**PART I-PRELIMINARY**

**Citation.**

1. These Regulations may be cited as the Science, Technology and Innovation (Registration and Accreditation of Research Institutions) Regulations, 2014.

**Interpretation.**

2. In these Regulations, unless the context otherwise requires-

"accreditation" refers to the establishment of the status, legitimacy or appropriateness of an institution, programme of research;

No 28 of 2013

"Act" means the Science, Technology and Innovation Act, 2013;

"Commission" means the National commission for Science, Technology and Innovation established under section 3 of the Act;

"committee" means the Registration and Accreditation committee established under Regulations 4;

"eligible" means meeting the stipulated requirements;

"institution" means a research institution registered under the Act;

"secretary" means the Secretary of the Commission appointed under section 8 of the Act;

"scientific research" refers to any investigation or research or inquiry or interview that aims to collect data or information, academic or non-academic, in areas of humanities or pure sciences or engineering or technology or for purpose of marketing survey or opinion polls that will lead to new knowledge or information

"scheduled science" means any of the groups of sciences listed in the Second Schedule to the Act;

"eligibility" has the meaning assigned it under the law relating to Universities Act, 2012.

**Objectives.**

3. The main objective of these Regulations is to uphold the standard of research in the country and secure public confidence in the national research systems.

**PART II-REGISTRATION**

**Vetting committee.**

4. (1) There shall be a Registration and Accreditation committee which shall be appointed by the Commission.

(2) The committee shall be a standing committee of the Commission and shall consist of-

(a) five persons appointed from the Commission; and

(b) two other persons co-opted by the Secretary from time-to-time from outside the Commission on the basis of their specialization in any particular case.

(3) The committee may determine the procedure for its meetings.

**Application for registration.**

5. (1) An application for registration under section 17 of the Act shall be in the form set out in the First Schedule.

(2) The applicant shall forward the application form to the Secretary together with an application fee of two hundred and fifty thousand shillings.

(3) The Secretary shall upon receipt of the application under paragraph (2), refer it to the committee.

(4) A research institution shall be eligible for registration is-

(a) it is competent to undertake scientific research in the area of discipline;

(b) it has the capacity in terms of human and financial resources to carry out research;

(c) it has a physical location for its offices and research facilities; and

(d) at least half of its directors are Kenyans with relevant expertise.

(5) The committee of the Commission shall present its preliminary reports regarding the application to the Secretary within a period of thirty days from the date of receipt.

(6) The committee shall thereafter consider the application and present a detailed report to the Commission within a period of sixty days together with its recommendation as to whether the research institution in respect of which the application is made should be registered.

(7) Where the committee recommends registration, the Secretary shall forward the same to the Cabinet Secretary who may then proceed to grant, within one hundred and twenty days from the date of receipt of the application, a Certificate of Registration in the form set out in the Second Schedule subject to such conditions as the Cabinet Secretary may specify.

(8) All research institutions registered under these regulations shall adhere to the standards set out in the Third Schedule and code of ethics and guidelines for research.

**Notification of decision.**

6. The Secretary shall notify every applicant of the decision of the committee within fourteen days of receipt of the application, and, where the committee rejects any application, it shall furnish the concerned applicant with reasons thereof.

**Revocation of registration.**

7. The registration of a research institution may be revoked by the Cabinet Secretary where the institution fails to comply with any of the conditions or the standards and guidelines for research after recommendation by the Commission.

**PART III-ACCREDITATION**

**Application for accreditation.**

8. (1) A research institution which is registered under these Regulations may after the expiration of the period of one year after such registration, apply to the Commission for accreditation.

(2) An application for accreditation shall be in the form set out in the Fourth Schedule and shall be forwarded to the Secretary together with a fee of two hundred and fifty thousand shillings.

**Criteria for Accreditation.**

9. A research institution shall be eligible for accreditation if it satisfies the criteria set out in the Fifth Schedule.

**Process of accreditation.**

10. The Commission shall carry out the accreditation of a research institution in accordance with the process set out in the Sixth Schedule.

### **Standards for accredited institutions.**

11. A research institution which is accredited under these regulations shall be required to adhere to the standards and guidelines set out in the Seventh Schedule.

### **Monitoring and evaluation.**

12. (1) The Commission shall at least once in every three years monitor and evaluate accredited research institutions to ensure by research institutes with the standards set out in the Schedule.

(2) Notwithstanding paragraph (1), research institutions shall be required to carry out annual monitoring and evaluation internally and submit the report to the Commission.

### **Duration of accreditation.**

13. (1) Accreditation shall be granted to eligible institutions for a period of three years after which it may be renewed on application to the Commission in accordance with these regulations.

(2) There shall be payable a fee of two hundred and fifty thousand shillings in respect of an application of renewal.

## **PART IV-MISCELLANEOUS**

### **Information and records.**

14. (1) Research findings and information regarding research systems shall be stored in a designated section of the research records institution with clear labeled subject area.

(2) Research findings carried by staff or the research institution shall be in form books or documents and must be bound and the title of the research, author, year and other the relevant information be printed clearly on the cover page.

(3) A report of research work by staff and research institution must be submitted to the commission within two months after publication or compilation of the report of the research work.

### **Recognition of researchers.**

15. (1) The Commission shall register, license and regulate researchers in the Scheduled science areas in the Second Schedule to the Act.

(2) The Commission may accredit competent organization or societies to carry out this function on its behalf.

## **FIRST SCHEDULE**

### **FORM FOR APPLICATION FOR REGISTRATION**

### **APPLICATION FOR REGISTRATION/RENEWAL**

### **PART I (To be completed by the applicant)**

(R.5 (1))

1. Personal Information

- (b) Name of Institution applying for registration.....
- (d) National Identification Number (ID No.)/Passport.....
- (e) Permanent Residence Address... ..;
- (f) Postal Address.....
- (g) Contacts: Telephone..... Fax
- E-mail...

(Please attach the CV of Applicant and the employees in the top management board)

2. Personal References

(Give names and full addresses of two senior academic/professional referees who are not employees of the research institution to be registered. These should be professionally qualified in the field of research institution intends undertake),

- (i) Name...
- Address...
- Occupation..
- Contacts: Telephone... ..Fax.....
- E-mail...
- Date.....

(Referee's Signature).....

- (ii) Name....
- Address.....
- Occupation..
- Contacts: Telephone... ..Fax...
- E-mail...
- Date...

(Referee's Signature)...

3. (a) Is your research institution registered in another country? Yes/No

(b) If yes, please give the details such as country of registration and number of registration certificate and date below

.....  
.....  
.....

4. What is the proposed governance structure of the research institution (please attach the structure to application)

5. Give initial financial capital and fixed assets for research activities of the proposed research institution

6. Provide in details the area of discipline the proposed research institution shall undertake

I certify that I have read and understood the regulations on the registration and accreditation of research institutions in Kenya, 2013.

Signature.. ....Date

## **PART II**

(For official use by NACOSTI only)

Date application was received... ....Signature.

Approved/Not approved.,. ....:

Date... .....Signature.....

Secretary, National Commission for Science, Technology and Innovation

## **SECOND SCHEDULE**

### **CERTIFICATE OF REGISTRATION**

(r.5 (7))

#### **FRONT PAGE**

Certificate No..... -

Name of Research Institution

Physical Address

Telephone... .....E-mail

Signature..... Date

#### **BACK PAGE**

Conditions:

1. The certificate of registration is not transferable to another entity.
2. The area of research for which certificate of registration was applied for cannot be changed.
3. The research institution cannot change its physical location without approval of the Secretary of the Commission.
4. The research institutions must notify the Secretary of the Commission incase there are changes in information provided during application of registration.
5. The research activities to the Secretary of the Commission by 31<sup>st</sup> January every year.
6. The Cabinet Secretary on the advise of the Secretary of the Commission may revoke the Certificate of Registration if the research does not comply with these conditions.

## **THIRD SCHEDULE**

## **STANDARDS FOR REGISTERED INSTITUTIONS**

(3) An institution must apply to be accredited to Secretary of the Commission. The applying Institution must submit eligible application in a prescribed form as indication of interest to the National Commission of Science, Technology and Innovation. (Application form for accreditation to be drawn from Part IV (17) (3)) Compliance is required for each of the following standards and each standard should be interpreted and applied in the context of the institution's mission and purposes.

### **Standard 1: Mission, Goals and Objectives**

1. The institution's mission must clearly define its purposes within the context of science, technology and innovation and explain whom the institution serves and what it intends to accomplish.
2. The institution's stated goals and objectives, consistent with the aspirations and expectations of research, science and technology must clearly specify how the institution will fulfill its mission.
3. The mission, goals and objectives have been developed and recognized by the institution with its members and its governing body and should be utilized to develop and shape the institution's programs and practices and to evaluate its effectiveness.

### **Standard 2: Planning, Resource Allocation and Institutional sustainability**

1. The institution must be able to conduct ongoing planning and resources allocation based on its mission and should be able to use the results of its assessment activities for institutional sustainability.
- 2, The implementation and subsequent evaluation of the success of the strategic plan and resource allocation support the development and change necessary to improve and to maintain institutional quality.

### **Standard 3: Institutional Resources and sustainability**

The institution should demonstrate its ability to mobilize human, financial, technical, physical facilities, and other resources necessary for the achievement of its mission, including environmental sustainability and institutional policy on issues of physical challenged. Documentary evidence needed for human resources (sources of funding and sustainability.)

### **Standard 4: Leadership, Governance and integrity**

The institution's policy should clearly define the roles of institutional constituencies in policy development and decision-making. The governance should include active governing body with sufficient autonomy to assure adherence to ethical standard

institutional to fulfill its responsibilities of policy and resources development, consistent with the mission of the institution. In the conduct of its programs and activities involving the institution to demonstrate adherence to ethical standards.

**Standard 5: Institutional Assessment**

The institution has developed and implemented an assessment plan and process that evaluates its overall effectiveness in: achieving its mission and goals; implementing planning, resource allocation, and institutional renewal processes; using institutional resources efficiently; providing leadership and governance; providing administrative structure and services; demonstrating institutional integrity; and assuring that institutional processes and resources support appropriate learning and other outcomes for its students and graduates,

**Standard 6: Institutional Database**

The institution should maintain research database that can be accessed by Commission.

**FOURTH SCHEDULE  
APPLICATION FOR A CCREDITATION  
PART I (to be completed by the applicant)**

(r.8 (2))

1. Personal Information

- (a) Full name of Applicant.....
- (b) Name of Institution to be accredited.
- (c) Position of Applicant in the Institution ..... ;....
- (d) National Identification Number (ID No.)/Passport No.
- (e) Permanent Physical Address...
- (f) Postal Address.....
- (g) Contacts:

Telephone..... E- mail...

*(please attach the CV of Applicant and the employees in the top management/board)*

2. Have you applied for accreditation before? Yes/No

If you have applied for accreditation before, please give the details of date of application and accreditation certificate number below..

3. What is the governance structure of the research institution (please attach the structure to application).



4. Provide in details the area of discipline the research institution undertakes. . .  
I certify that I have read and understood the regulations on the registration of research institutions and accreditation of research institutions in Kenya, 2014

Signature

Date...

## **PART II**

*(For official use by NACOSTI only)*

Date Application was Received

Signature

Approved/not approved. . .

Date ... Signature

*Secretary, National Commission for Science, Technology and Innovation*

## **FIFTH SCHEDULE CRITERIA FOR ACCREDITATION**

(r.9)

1. Copy of registration
2. Audited financial statement
3. Mou of collaborating institutions.
4. Copy of institutional organogram.
5. List of available equipment.
6. List of research activities.
7. Vicinity map.
8. Payment of non-refundable fee of Kshs.250,000 for accreditation process.

## **SIXTH SCHEDULE**

(r.10)

### **PROCESS OF ACCREDITATION**

The accreditation procedures

The institutions applying for accreditation will be assessed in accordance with clearly defined procedures. The process will be outlined as follows;

1- Application procedure

- . Request for accreditation
- . Application for accreditation reviewing of the application and submitted documents.

- . Acknowledge receipt of confirmation
- . Payment of prescribe fees.

#### 2- Assessment procedure

- . Assessment will be carried out by committee
- . Vetting committee to inspect facilities of the institution.
- . Vetting committee prepare assessment report.

#### 3- Accreditation procedure

- . Evaluation of the technical assessment reports by the Commission.
- . Decision on accreditation by the Commission.
- . Issuance of Accreditation certificate.
- . The Gazettement of the accredited institution.

#### 4-surveillance procedure

- . Annual internal monitoring.
- . Evaluation after three years the commission.
- . Apply for renewal of accreditation after every three years.

### **GUIDELINES FOR APPLICATION OF ACCREDITATION**

1. Compliancy with Government regulation- Institution must be registered with the commission (certificate of registration and documents showing legal status)
2. Credibility- must have been inexistence for last one year (The institution must have been operational for at least one year)
3. Vision, mission and mandate and values-
4. Financial status- latest audited financial statement and sources of funding.
5. Organization profile and Human Resource- organogram and research programme, qualifications of staff (CVs)
6. Facilities-permanent offices, equipment and caliberation log, IT equipment's, libraries
7. Validity of accreditation:
  - Accreditation granted shall be for three (3) years unless withdrawn by commission.
  - Institution shall be authorized to conduct within their mandate as specified in certificate of accreditation.

### **SEVENTH SCHEDULE (r.11, 12)**

### **STANDARDS FOR ACCREDITED INSTITUTIONS**

Compliance is required for each of the following standards and each standard should be interpreted and applied in the context of the institution's mission and purposes.

### **Standard 1: Mission, Goals and Objectives**

1. The institution's mission must clearly define its purposes within the context of science, technology and innovation and explain whom the institution serves and what it intends to accomplish.
2. The institution's stated goals and objectives, consistent with the aspirations and expectations of research, science and technology must clearly specify how the institution will fulfill its mission.
3. The mission, goals and objectives have been developed and recognized by the institution with its members and its governing body and should be utilized to develop and shape the institution's programs and practices and to evaluate its effectiveness.

### **Standard 2: Planning, Resource Allocation and Institutional sustainability**

4. The institution must be able to conduct ongoing planning and resources allocation based on its mission and should be able to use the results of its assessment activities for institutional sustainability.
5. The implementation and subsequent evaluation of the success of the strategic plan and resource allocation support the development and change necessary to improve and to maintain institutional quality.

### **Standard 3: Institutional Resources and sustainability**

The institution should demonstrate its ability to mobilize human, financial, technical, physical facilities, and other resources necessary for the achievement of its mission, including environmental sustainability and institutional policy on issues of physical challenged. Documentary evidence needed for human resources (sources of funding and sustainability.)

### **Standard 4: Leadership and Governance**

The institution's system of governance should clearly define the role of institutional constituencies in policy development and decision making. The governance structure should include active governing body with sufficient autonomy to assure institutional integrity and ethical standard to fulfill its responsibilities.

### **Standard 5: Integrity**

In the conduct of its programs and activities, the institution should demonstrate adherence to ethical standards.

**Standard 6: Institutional Assessment**

The institution should have an inbuilt mechanism for monitoring and evaluating its effectiveness.

**Standard 7: Institutional Database**

The institution should maintain research database that can be accessed by commission.

Dated the 22nd July, 2014

JACOB T KAIMENYI,  
Cabinet Secretary for Education, Science and Technology.

**LEGAL NOTICE No. 107**

**THE SCIENCE, TECHNOLOGY AND INNOVATION ACT, 2013  
(No.28 of 2013)**

IN EXERCISE of the powers conferred by section 45 (1) of the Science Technology and Innovation Act, 2013 the Cabinet Secretary for the time being responsible for Education, Science and Technology makes the following Regulations:-

***THE SCIENCE, TECHNOLOGY AND INNOVATION (RELEVANCE AND QUALITY ASSURANCE IN RESEARCH) REGULATIONS, 2014***

**PART I-PRELIMINARY**

**Citation.**

1. These Regulations may be cited as the Science, Technology and Innovation (Relevance and Quality Assurance in Research) Regulations, 2014.

**Interpretation.**

2. In these Regulations, unless the context otherwise requires-

"evaluation" means the process of collecting and analyzing information about a research project or programme to ascertain whether it is on track to reach the stated objectives, and whether or not the project or programme achieved or contributed to the desired impact;

"innovation" means the application of new solutions that meet new requirements, inarticulate needs, or existing market needs;

"intellectual property" means creation of the mind, inventions literary and artistic works and symbols, names, images and designs used in commerce and for which exclusive rights are recognized;

"monitoring" means supervising research activities in progress at a research institution to ensure they are proceeding according to plan in order to meet the set objectives;

"quality" means a measure of excellence as a distinctive attribute of the study design, methodology, conduct and other attributes of research project or programmes at a research institution meeting the set objectives;

"relevance" means scientifically or socially beneficial research to socio-economic development;

"research" means any investigation or inquiry which aims to collect and collate data or information, academic or non-academic, in areas of humanities or pure sciences or technology that will lead to new knowledge or information.

**Application.**

3. These Regulations shall apply to all persons and research institutions undertaking research in Kenya.

**Objectives.**

4. The objective of these Regulations is to promote the highest standards, and quality of research for the realization of institutional mandates and national priorities.

**PART II- RELEVANCE AND QUALITY ASSURANCE****Relevance.**

5. Research programmes and activities in research institutions shall be considered relevant if they address national priorities and aspirations and reflect institutional mandates and ethics.

**Research Capacity.**

6. Every research institution shall put in place clear organizational structures with definite responsibilities, systems, procedures, financial resources and facilities for implementing its projects or programmes.

**Code of ethics.**

7. (1) A research institution shall adhere to the code of ethics for the time being prescribed for the respective areas of research.

(2) A research institution shall be required to establish an institutional scientific and ethical review committee which shall be accredited by the Commission.

(3) An institutional scientific and ethical review committee shall develop guidelines or manuals and deposit them with the Commission.

**Requirements for quality assurance.**

8. (1) A research institution shall develop standard operating procedures and manuals to provide an optimum degree of order in quality assurance research activities in their specific contexts and in line with international benchmarks recognized by the Commission.

(2) For the purposes of attaining relevance and quality in research, institutions shall develop-

(a) a strategic plan;

(b) a service charter;

(c) manuals on human resources, finance and procurement;

- (d) performance reporting procedures;
- (e) good corporate governance;
- (f) relevant policy codes of ethics;
- (g) information, innovation and knowledge management manual;
- (h) productivity and quality management manual; and
- (i) customer care and orientation manual.

**Intellectual property policy.**

9. (1) Each research institution shall put in place a policy on intellectual property rights in line with the relevant law for the time being in force.

(2) In the development of the policy under subparagraph (1), a research institution shall follow the guidelines set out in the First Schedule.

**PART III INSPECTION, MONITORING AND EVALUATION**

**Inspection.**

10. (1) The Commission shall inspect, monitor and evaluate every research institution in order to verify relevance and assure quality and compliance with these Regulations.

(2) The inspections referred to in subparagraph (1) shall comprise a pre-registration inspection, a compliance inspection and a special inspection as may be directed by the Commission from time to time.

(3) The Commission shall appoint experts in relevant disciplines, who may include persons from outside the commission, to carry out the inspections.

**Monitoring.**

11. (1) The Commission shall undertake regular systematic collection and analysis of information on the progress of research in an institution with the purpose of improving efficiency and effectiveness in the operations of the institution.

(2) The Commission shall in carrying out monitoring under subparagraph (1) follow the guidelines set out in the Second Schedule.

**Evaluation.**

12. (1) The Commission shall undertake an assessment of the impact of a project or programme against the objectives and expected outputs thereof as stated at the design stage of the project, and shall require the institution to provide a full explanation where the set objectives and outputs are found not to have been achieved.

(2) The Commission may, where the researcher is found to have been negligent in the implementation of the research under subparagraph (l), take appropriate action, which may include recommendation of suspension of funds, recovery of any misappropriated funds or legal action.

## **FIRST SCHEDULE (r.9)**

### **GUIDELINES FOR INTELLECTUAL PROPERTY MANAGEMENT POLICY**

#### 1. Objectives of an Intellectual Property Policy for Institutions

Intellectual property, management policy should bring harmony to the conflicting interests of all the stakeholders in the generation and commercialization of a patent. Universities and Research and Development institutions should be dedicated to teaching and research, and to the dissemination of all new knowledge generated. The basic goal of an intellectual property management policy should therefore be -

- (a) to provide for the intellectual property generated at the institution;
- (b) to promote the progress of science and technology;
- (c) to ensure that discoveries, inventions and creations generated by staff and students are utilized in ways most likely to benefit the public; and
- (d) to ensure fair and equitable distribution of all benefits accruing from inventions and creations at the institutions.

#### 2. Issues to be addressed by an Intellectual Property Management Policy

In order to harmonize the various conflicting interests of stakeholders and achieve broad-based objectives, an intellectual property management policy for universities and R & D institutions should address some of the following issues:

- (a) Coverage of intellectual property policy;
- (b) Ownership of intellectual property;
- (c) Disclosure of intellectual property;
- (d) Marketing, commercialization and licensing of patents;
- (e) Distribution of benefits;
- (f) Rights and obligations of an inventor and the institution;
- (g) Conflict resolution mechanism;



- (h) Material Transfer Agreements;
- (i) Access and benefits sharing management; and
- (j) Other pertinent issues.

## **SECOND SCHEDULE (r.11 (2))**

### **ITEMS TO BE CONSIDERED FOR MONITORING AND EVALUATION**

Monitoring shall address issues as follows-

- (a) Purpose of the institution (adherence to the character, mandate and objectives);
- (b) Research policy;
- (c) Human resource capacity and capabilities;
- (d) Research infrastructure and environment;
- (e) Facilities like laboratories, communication; transport and any other;
- (f) Internal quality assurance system;
- (g) Management of intellectual property rights;
- (h) Standard operating procedures and manuals;
- (i) Logical framework;
- (j) Collaboration and partnerships with industry, national and international institutions and universities;
- (k) Integrated information management system for storage and retrieval;
- (l) Scientific and ethical review committees; and
- (m) Dissemination strategies.

Dated the 22nd July, 2014.

JACOB T. KAIMENYI,  
Cabinet Secretary for Education, Science and Technology.

**LEGAL NOTICE No. 108**

**THE SCIENCE, TECHNOLOGY AND INNOVATION ACT, 2013  
(No.29 of 2013)**

IN EXERCISE of the powers conferred by section 45 (1) of the Science, Technology and Innovation Act, 2013, the Cabinet Secretary for Education Science and Technology makes the following Regulations: -

**THE SCIENCE, TECHNOLOGY AND INNOVATION (RESEARCH LICENSING)  
REGULATIONS 2014**

**PART I-PRELIMINARY**

**Citation.**

1. These Regulations may be cited as the Science, Technology and Innovation (Research Licensing) Regulations, 2014.

**Interpretation.**

2. In these Regulations, unless the context otherwise requires-

"Act" means the Science, Technology and Innovation Act, 2013;

"Commission" means the National Commission for Science,

Technology and Innovation established under section 3 of the Act;

"licence" means a licence issued under regulation 5 and includes a permit;

"licensee" means the holder of a licence or permit;

"research" means the systematic investigation into and study of materials and sources in order to establish facts and reach new conclusion;

"researcher" means a person licenced under these regulations to conduct research.

**Co-ordination of research.**

3. All scientific research activities shall be co-ordinated by the Commission to ensure that no harm occurs to the natural, social and cultural environments of Kenya and human life.

**Exemptions.**

4. These Regulations shall not apply to a person conducting research under a University or a research institute program.

**PART II LICENSING**

**Application for licence.**

5. (1) An application for a licence under section 12 of the Act shall be in the form set out in the First Schedule and shall be accompanied by-

(a) a cover letter and full proposal; and

(b) such fees as may be specified by the Commission from time to time and published in the Gazette.

(2) A foreign researcher applying for a licence shall be affiliated to a local relevant institution.

(3) Where a research requires ethical review or issuance of a permit by another national institution, the applicant shall obtain such review or permit prior to making an application for a licence to the Commission.

(4) Where a research involves the transfer or exportation of specimens or materials, the applicant shall seek and obtain clearance from the relevant Government agency before making an application for a license to the Commission.

**Consideration of an application.**

6. The Commission shall, within thirty days from the date of receipt of the application under paragraph 5 consider the application and notify the applicant on the decision of the Commission.

**Grant and renewal of licence.**

7. (1) Where the Commission is satisfied that the applicant satisfies the requirements set out in the Act, the Commission shall grant a research licence.

(2) A licence granted under paragraph (1) shall be valid for a period of one year from the date of issue and shall be renewable on receipt of an application for renewal at least two months prior to the date of expiry.

(3) A research licence issued under the Act shall be in the form set out in the Second Schedule.

(4) Where the Commission is of the opinion that the application does not meet the conditions required under the Act, the Commission may-

(a) reject the application; or

(b) make its comments or recommendations thereon and forward them to the applicant.

(5) An application whose application has been commented upon may resubmit a revised application within a period of sixty days on receipt of the Commission's comments.

**Determination of a revised application.**

8. On receipt of a revised application under paragraph 7(5) the Determination of Commission shall, within thirty days from the date of receipt a revised determine the application in accordance with these regulations, and if application satisfied, grant a licence in accordance with the Act.

**Appeal against refusal.**

9. Any person aggrieved by the decision of the Commission under these Regulations, may appeal to the Cabinet Secretary within thirty days of being notified of the decision.

**Register.**

10. The Commission shall maintain a register of all persons granted licences under the Act which shall indicate-

- (a) the name of the licensee;
- (b) the nature of the research undertaken by the licensee;
- (c) the physical address of the premises of the licensee;
- (d) the number and date of issue of the licence; and
- (e) source of funding.

**Monitoring to ensure compliance.**

11. The Commission may at least once in a year conduct or cause to be conducted an evaluation of research carried out under the Act for ensure the purpose of assessing and evaluating compliance with the conditions of the licence.

**Notice to rectify and sanctions.**

12. The Commission may by notice in writing, require 3 Notice a researcher who is the subject of an evaluation under paragraph 11 to comply with any such standard or instruction as the Commission may specify within a prescribed time and in a prescribed manner.

**Revocation.**

13. The Commission may revoke a research licence if the licensee contravenes any of the conditions of the licence.

**Final report submission.**

14. An applicant who has been licensed under these Regulations to conduct research in Kenya shall deposit a copy of the final research report to the Commission within one year of completion.

## **FIRST SCHEDULE**

### **APPLICATION FORM FOR LICENCE (r.5)**

#### **PART I (to be completed by the applicant)**

##### 1. Personal Information

(a) Full name of Applicant .....

(b) Name of Institution (if applying for institutional permit and attach CV of researchers)

(d) National Identification Number (ID No.)/Passport No.

(e) Physical Address.,

(f) Postal Address ... ,....,

(g) Contacts:

Telephone ....., Fax

Mobile No. ...

E-mail

(h) Gender

(i) Highest Qualification

(Please attach the above details and Curriculum Vitae for other researchers in your team)

##### 2. Personal References

(Give names and full addresses of two senior academic/professional referees. These should be professionally qualified in the field of research which the applicant wishes to undertake)

(i) Name

Address.....

Profession/Occupation. . .

Contacts:

Tel:,,,,,, Mobile

Fax:.....

E-mail...

(ii) Name...

Address...

Profession/Occupation, . .

Contacts: .., .....:

Tel:..... :.....

Fax,....,

E-mail...

3. (a) Have you applied for a licence to conduct research in Kenya before? Yes/No

(b) If (a) above is yes, provide the title of the recent research previously applied for

(c) If the application was approved vide the Licence, No.

Dated.....

(d) If the application was rejected vide the application. No.

Dated

4. Title of the research project

5. (a) Source(s) of finance

(b) Amount of currency

6. Purpose of the research

7. Location of research:

Location/Division.....

County.....

8. Estimated period of the project: from ..... to

9. Do you need access to the Public Records? (if yes list)

10. Do you need to interview any Government Officials? (if yes list them)

11. What research tools (e.g. questionnaire) do you intend to use? (attach copies)

I certify that I have read and understood the Science, Technology and Innovation

(Research Licensing) Regulations, 2014. I do agree to abide by them as required and that the information given by me in Part I is correct to the best of my knowledge.  
Signature ....., Date...

**PART II**

(For official use only)

Date Application Received

Signature

Receipt Number.

Approved/not approved.

Date..... Signature.....

Secretary, National Commission for Science, Technology and Innovation

**SECONDSCHEDULE (r.7 (3))**

**LICENCE**

Application Reference No

Licence No.

This is to certify that the application to conduct research in Kenya received from... ..  
to the Commission in accordance with Research Licence Regulations to conduct  
research

titled.....

located at .....

(Locality and county) has been evaluated and a licence is hereby issued, subject to the  
attached conditions.

This License is valid from ... to .....

Dated this .....day .....20...

Signature...

(Official Seal)

Commission Secretary National Commission for Science, Technology and Innovation  
Conditions of Licence

1. The licence shall only be used for the intended research and the specified period and  
research site.

2. Neither the licence nor any right thereunder shall be transferred, assigned, or disposed of in any manner, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the licence to any person.
3. The Commission reserves the right to cancel at any time during the research period if in the opinion of the Commission the research is not implemented in conformity with the provisions of the Act or any other written Law.
4. Upon request of the Commission, the licensee shall, at any time before expiration of the licence, submit written statements, signed under oath or affirmation if appropriate, to enable the Commission to determine whether or not the licence should be modified, suspended, or revoked.
5. The Licensee shall inform the County Governor in the area of research before commencement of the research, failure to which will lead to cancellation of the licence. Excavation, filming and collection of specimens are subject to further permissions from relevant government agencies.

The Commission reserves the right to modify the conditions of this Licence including its cancellation without prior notice.

This Licence does not give authority to transfer research materials.

Dated the 22<sup>nd</sup> July, 2014

JACOB T. KAIMENYI,  
Cabinet Secretary for Education, Science and Technology.