

Public Relations Society of Kenya No.1 (Bill No.1)



REPUBLIC OF KENYA

**INSTITUTE OF PUBLIC RELATIONS
AND COMMUNICATION MANAGEMENT**

BILL , 2019

NAIROBI , 1st February 2019

[A Bill for]

The establishment of the Institute of Public Relations and Communication Management

PUBLISHED BY THE AUTHORITY OF THE PUBLIC RELATIONS SOCIETY OF KENYA

**INSTITUTE OF PUBLIC RELATIONS AND COMMUNICATION
MANAGEMENT
BILL 2019**

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**THE INSTITUTE OF PUBLIC RELATIONS AND COMMUNICATION
MANAGEMENT
BILL, 2019**

[A Bill for]

AN ACT of Parliament to establish the Institute of Public Relations and Communication Management, the Council and Examinations Board and to make provisions for the object and conduct for these bodies; to promote, set standards and regulate the practice of Public Relations and Communication Management, and for connected purposes..

PART I—PRELIMINARY

Short title.

1. This Act may be cited as the Institute of Public Relations and Communication Management Act, 2019.

Interpretation.

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

“**Cabinet Secretary**” means the Cabinet Secretary for the time being responsible for matters relating to Information and Communication;

“**Chief Executive Officer**” means the person appointed as the Chief Executive Officer of the Institute under Section 8 of this Act;

“**Code of Conduct**” has a meaning assigned to it in the Fifth Schedule of this Act;

“**Council**” means the Council of the Institute constituted pursuant to Section 5 of this Act;

“**Disciplinary Committee**” means the committee established under Section 33 of this Act;

“**Institute**” means the Institute of Public Relations and Communication Management established under Section 3 of this Act;

“**Practicing certificate**” means a practicing certificate issued by the Registration Committee pursuant to Section 26 of this Act;

“**President of the Institute**” means the President of the Institute elected pursuant to Section 6 and First Schedule;

“Public Relations and Communication Management practice” means strategic planning, execution and evaluation of internal and external communication to enhance mutually beneficial relationships with key stakeholders and manage reputation in order to meet organisational objectives;

“Public Relations and Communication Management practitioner” means any person who is recognised as such by the Council upon fulfilling criteria set by the Council;

“Registration Committee” means the committee established under Section 20 of this Act;

“Register” means the register kept pursuant to Section 31 of this Act;

“Society” means the Public Relations Society of Kenya “existing before the enactment of this Act;

“Trainee communication management practitioner” means a person:

- (a) registered by the Examination Board and
- (b) who has commenced professional Public Relations and Communication management or training or is practicing communication management as part of initial professional development required for qualification as a communication management practitioner.

PART II— ESTABLISHMENT AND MANAGEMENT OF THE INSTITUTE OF PUBLIC RELATIONS AND COMMUNICATION MANAGEMENT

3. (1) There is established an Institute to be known as the Institute of Public Relations and Communication Management.

(2) The Institute 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) purchasing, acquiring, holding or disposing of property;
- (c) borrowing money; and
- (d) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done by a body corporate.

(3) The Headquarters of the Institute shall be in Nairobi.

(4) The Institute may also have other subsidiary offices and chapters in other cities or towns within Kenya as shall be determined from time to time by the Council.

*Functions of the
Institute.*

4. Functions of the Institute shall be to —

- (a) Establish, regulate and promote standards of professional competence and practice amongst members and monitor and enforce compliance with, and delivery of, such standards by members;
- (b) Promote, commission and carry out research into the subject of Public Relations and Communication Management and related disciplines, and the publication of books, periodicals, journals and articles in connection therewith;
- (c) Promote, maintain and enhance the reputation and standing of the profession and of the Institute and represent the profession and the views of members, both nationally and internationally;
- (d) Advise Examinations Board on matters relating to examination standards and policies;
- (e) Collaborate with the relevant training institutions for professional education and training;
- (f) Advise and make such recommendations to the Cabinet Secretary on matters relating to Public Relations and Communication Management in all sectors of the economy and on all other matters relating to the profession, as it may deem appropriate;
- (g) Maintain, Promote, and monitor compliance with, a regime of the Institute's continuing professional development programmes through the commissioning and provision of general and specialised post-registration and the promulgation of best professional practices;
- (h) Promote, enhance and enforce professional and ethical guidelines, rules and standards amongst practitioners;
- (i) Liaise, co-operate and collaborate with regional and foreign regulatory bodies in the field of public relations and communication management;
- (j) Promote and encourage entry into the Public Relations and Communication Management profession through the study of public relations and communication management and related disciplines and the provision of bursaries, scholarships, prizes and other incentives to students;
- (k) Provide for resolution of disputes on professional issues involving members;

- (l) Establish branches and chapters to support the mandate of the Institute;
 - (m) Prepare the remuneration order for the Public Relations and Communication Management profession and advise the Cabinet Secretary to prescribe the same through a gazette notice; and
 - (n) Do anything incidental or conducive to the performance of any of the preceding functions.
5. The Institute shall be governed by the Council subject to the following provisions:
- (a) The provisions of the First schedule shall apply to the Council.
 - (b) Subject to this Act, all acts and things done in the name of, or on behalf of, the Institute by the Council or with the authority of the Council shall be deemed to have been done by the Institute.
 - (c) The Council shall publish in the *Kenya Gazette* standards, guidelines and other pronouncements for advancement of Public Relations and Communication Management profession.
 - (d) The Council may, subject to the provisions of this Act, issue by-laws, regulations and guidelines to govern all matters affecting the operations of the Institute and professional activities of the members of the Institute.
 - (e) The Council may establish such committees as are necessary for the performance of the Institute and may, subject to the provisions of this Act, delegate powers conferred on it to such committees.
 - (f) The Council shall prescribe and confer different categories of membership;
 - (g) The Council may perform any other functions incidental or conducive to the performance of any of the preceding functions.

The Council of the Institute.

6. (1) The Council shall consist of —

- (a) The President elected in accordance to Section 7 and in the manner provided in paragraph 1 of the First Schedule.
- (b) One member to represent the Ministry responsible for Information and Communication;
- (c) One member to represent firm/agency chapter recognised by the Institute; and
- (d) Six members elected in the manner provided in the First Schedule.

Membership of the Council.

- President of the Institute.
7. There shall be a President of the Institute who shall be a fellow or full member of the Institute and who—
- (1) Has been a member of the Institute for a continuous period of not less than ten years;
 - (2) Has served in the Council for at least one term.
 - (3) Is not disqualified under the provisions of the First Schedule.
- Remuneration of the Council members
8. The members of the Council shall be paid such remuneration as the Council may recommend from time to time and approved by members at an Annual General Meeting.
- Chief Executive Officer
9. (1) There shall be Chief Executive Officer of the Institute who shall be competitively appointed by the Council, and whose terms and conditions of service shall be determined by the Council in the instrument of appointment or otherwise in writing from time to time.
- (2) A person shall not be appointed as Chief Executive Officer under this section unless such person —
- (a) is a registered Public Relations and Communication Management professional;
 - (b) has had at least seven years proven leadership and managerial experience in the practice of Public Relations and Communication management; and
 - (c) meets the requirements of Chapter Six of the Constitution of Kenya, 2010.
- (3) The Chief Executive Officer shall —
- (a) be an ex-officio member of the Council but shall have no right to vote at any meeting of the Council;
 - (b) be the secretary to the Council and its committees;
 - (c) subject to the directions of the Council, be responsible for the day to day management of the affairs of the Institute; and
 - (d) be responsible to the Council generally for the implementation of this Act.
- Staff of the Institute
10. The Council may appoint such officers, agents and other staff as are necessary for the proper and efficient discharge of the functions of the Institute and the Council under this Act, upon such terms and conditions of service as the Council may determine.
- General Powers of the Institute
11. The Institute shall have the powers to do all things necessary for the proper and effective achievement of its objects and the performance of its functions.

Membership categories

- 12.** The members of the Institute shall be divided into the following classes, namely–
- (a) Fellows :
 - (i) They shall have at least ten consecutive fully paid up years of membership.
 - (ii) Nominations for fellowship shall be considered provided they are made by at least two fellows or members one of whom shall be a member of the Council.
 - (iii) Fellows shall be titled “Fellow of the Institute of Public Relations and Communication Management” (designator letter FIPRAC); and
 - (iv) Fellows shall not be required to pay annual subscription fees or meet annual Continuous Professional Development (CPD) points.
 - (b) Full Members
 - (i) They have had five consecutive years’ experience in the practice of Public Relations and Communication Management and can satisfy the Council as to their professional competence or
 - (ii) They have been engaged full time in Public Relations and Communication Management for a minimum of seven consecutive years and are qualified to undertake the practice or
 - (iii) “Member of the Institute of Public Relations and Communication Management” (designatory letter MIPRAC);
 - (c) Associate Members.
 - (i) Those who do not qualify as full members, but they are connected with public relations and communication management as a profession and satisfy the Council as to their eligibility in this respect.
 - (ii) Associate members shall be entitled to use the designatory letters AMIPRAC after their names and a certificate of associate membership.
 - (iii) Such members do not have voting rights.
 - (d) Student members
 - (i) The category is open to non-working individuals undertaking professional studies in public relations & communication management administered by the Examination Board or related courses and have satisfied the Council that they intend to pursue a career in public relations and communication management.

- (ii) Student members shall be entitled to use the designatory letters SMIPRAC after their names and a certificate of student membership and will exercise no voting rights.
- (iii) Such members do not have voting rights.
- (e) The Council may establish such other classes of membership or chapters with such designations, titles and conditions of membership as the Council may by notice in the Kenya Gazette prescribe;
- (f) The Council may do anything incidental or conducive to the performance of any of the preceding functions; and
- (g) The Council shall make regulations on membership.

Honorary fellow.

- 13.** (1) Where the Council considers that a person not being member of the Institute, has rendered special services to the Institute or the Public Relations and Communication Management profession, the Council may invite such a person to become an Honorary Fellow of the Institute.
- (2) An Honorary Fellow shall not be a member of the Institute and shall be an Honorary Fellow during the pleasure of the Council.

Membership fees.

- 14.** The members of the Institute as specified in section 12 (b, c and d) shall pay such fees and subscriptions as the Council may from time to time determine.

**PART III—PUBLIC RELATIONS AND COMMUNICATION MANAGEMENT
PRACTITIONERS EXAMINATIONS BOARD**

Examination
Board

- 15.** (1) There shall be established a board to be known as the Public Relations and Communication Management Practitioners Examinations Board.
- (2) The Examinations Board—
- (a) shall be a body corporate with perpetual succession;
 - (b) shall have a common seal which shall be kept in such manner as the Examination Board directs;
 - (c) shall borrow, lend or otherwise raise money in such usual manner, including by way of executing securities and guarantees, as it may from time to time determine;
 - (d) shall acquire, hold, develop and dispose of property, whether movable or immovable, in the normal course of business;
 - (e) shall acquire, hold and dispose of investments in other enterprises; and
 - (f) shall sue and be sued in its corporate name.
 - (g) shall levy such fees or monies as may be reasonable for such services provided by it under this Act;
 - (h) shall remit a proportion of not less than thirty percent of the fees or monies collected under paragraph (h) to the Institute; and
 - (i) shall consult with the Council as often as it considers it necessary to do so for the purpose of exercising and performing its functions.
- (3) The provisions of the Third Schedule shall have effect with respect to the Examinations Board.

Membership of
Examination
Board.

- 16.** The Examinations Board shall consist of nine members appointed by the Cabinet Secretary through a *Gazette Notice*, of whom—
- (a) A Chairman nominated by the Council of the Institute;
 - (b) Three persons who shall be qualified Public Relations and Communication Management practitioners nominated by the Council, one of whom shall be a Council member;
 - (c) One person nominated by the association representing public universities. The nominee shall be from a university offering public relations and communication management courses;
 - (d) One person nominated by the association representing private universities. The nominee shall be from a university offering private relations and communication management courses;
 - (e) One person nominated by the Ministry responsible for Information and Communication;
 - (f) One person nominated by the Federation of Kenya Employers; and
 - (g) One Public Relations and Communication Management practitioner nominated by the National Gender and Equality Commission.

The functions
of the Board.

17. (1) The functions of the Examinations Board shall be to —
- (a) prepare syllabus for examination in Public Relations and Communication Management and related disciplines;
 - (b) make rules with respect to such examination;
 - (c) arrange and conduct examination and issue certificates to candidates who have satisfied examination requirements;
 - (d) promote recognition of its examination in Kenya and foreign countries;
 - (e) investigate and determine cases involving indiscipline by the students registered with the Examination Board;
 - (f) promote and carry out research relating to its examination;
 - (g) promote the publication of books and other materials relevant to its examination.
 - (h) subject to any other written law, consider and approve applications for accreditation by educational institutions that seek to offer courses in Public Relations and Communication Management;
 - (i) set standards, in consultation with the relevant training institutions, for professional education and training of public relations and communication Management;
 - (j) liaise with the Ministry of Education in accreditation of institutions offering training subjects examinable by the board; and
 - (k) do anything incidental or conducive to the performance of any of the preceding functions.
- (2) The provisions relating to the remuneration of Council members of the Institute set out in Section 9 shall apply *mutatis mutandis* to the members of the Examination Board.
- (3) There shall be a Secretary to the Examinations Board who shall be appointed by the Cabinet Secretary on the recommendation of the Board.
- (4) The provisions relating to the appointment of the Chief Executive Officer of the Institute set out in section 9 shall apply *mutatis mutandis* to the Secretary of the Board.
- (5) The provisions relating to the appointment of the Staff of the Institute set out in section 10 shall apply *mutatis mutandis* to the Examinations Board.

Examination
entry
requirements.

18. (1) A person applying for Public Relations and Communication Management examination shall be required to —

- (a) hold a degree in Public Relations, Communication or any other relevant degree recognised by relevant statutory bodies in Kenya;
- (b) hold a diploma in Public Relations, communication or any other related qualification recognised by relevant statutory bodies in Kenya; and
- (c) hold a Postgraduate Diploma in Public Relations, Communication or any other related post graduate qualification recognised by relevant statutory bodies in Kenya.

(2) The Examinations Board shall, prior to registering a person to undertake an examination in Public Relations and Communication Management, require that the person be registered as a member of the Institute.

Public Relations
and
Communication
Management
Trainee.

19. A Public Relations and Communication Management trainee, student or a person required by the Institute to be registered as a member prior to attaining the qualifications shall be required to pay such fees or subscriptions as the Council may determine from time to time.

PART IV—PRACTISING CERTIFICATES AND REGISTRATION

Registration
Committee.

20. The Council shall establish a Registration Committee consisting of five members to be appointed as follows —

- (a) a Chairman who shall be a member of the Council;
- (b) one person to represent ministry responsible for Information and Communication;
- (c) one person nominated by Public Relations and Communication Management firms/ agencies recognised by the Institute;
- (d) one person nominated by Council from universities and drawn from schools/faculties offering public relations and communication courses;
- (e) one person nominated from Institute's general membership; and the Chief Executive Officer of the Institute shall be an ex-officio member. He shall serve the role of Secretary to the Registration Committee.
- (f) the Chief Executive Officer of the Institute shall be an ex-officio member. He shall serve the role of Secretary to the Registration Committee.

Functions of registration committee.

- 21.** The functions of the Registration Committee shall be to —
- (1) receive, consider and recommend applications for registration as a Public Relations and Communication Management practitioner/ professional and grant of practicing certificates in accordance with the provisions of this Act;
 - (2) monitor compliance with professional, quality assurance and other standards published by the Council for observance by the members of the Institute;
 - (3) apply regulations governing quality assurance programmes, including actions necessary to rectify deviations from published standards;
 - (4) where appropriate and based on the results of a quality assurance review, recommend to the Council that a member's conduct be referred for inquiry under Section 36;
 - (5) advise the Council on matters pertaining to professional and other standards necessary for the achievement of quality assurance; and
 - (6) perform any other functions incidental to the fulfilment of its objectives under this Act.

Application for admission and registration.

- 22.** (1) A person wishing to be admitted to the Institute as a member and to be registered as such shall apply to the Registration Committee and must satisfy the entry requirements as set out in Section 23;
- (2) An application under this section shall be in the form prescribed by the Council from time to time and shall be accompanied by such fees, certificates and other documents as the Council shall from time to time prescribe.
- (3) Where an application is made by a person in accordance with this section, the Registration Committee shall approve the application if it is satisfied that the person —
- (a) is qualified to be registered; and
 - (b) is not disqualified from being registered, and, if not satisfied, shall reject the application.
- (4) A person aggrieved by a determination of Registration Committee under this section may appeal to the Council against such determination by lodging a written notice with the Secretary of the Council within twenty-one days notification of the determination
- (5) A person aggrieved by the decision of the Council under subsection (4) may move to High Court;
- (6) A person who, in an application to be registered, willfully makes a false or misleading statement commits an offense and shall be liable on conviction to a fine not more than one hundred thousand shillings.

- Qualification for full membership.
- 23.** (1) Subject to this section, a person is qualified to be registered under Section 22 if he/she –
- (a) has been provided by the Examination Board with documentary evidence confirming that he has passed professional examination; and
 - (b) has completed such period of structured practical experience as may from time to time be prescribed by the Council.
- Disqualification of Membership.
- 24.** Subject to this Section, a person is disqualified from being registered if they are in breach of the code of conduct for the practice of public relations and communication management.
- Professional Practice.
- 25.** For the purposes of this Act, a person will be deemed to practice if he or she—
- (a) Receives remuneration or other benefits;
 - (b) engages in the practice of Public Relations and Communication Management either as an employee or consultant or holds himself out to the public as a person entitled to do so; and
 - (c) offers to perform or perform services involving expertise of Public Relations and Communication Management.
- Application for a practising certificate.
- 26.** Any person seeking to obtain or renew a practising certificate must be a fellow or a fully paid up member in good standing who either performs public relations and communication management duties and responsibilities in an organisation or offers Public Relations and Communication Management consultancy services.
- Issuance of a practising certificate.
- 27.** (1) A person wishing to obtain practising certificate shall apply to the Registration Committee.
- (2) An application for a practising certificate shall be in the prescribed form and shall be accompanied by the prescribed fees, and such other certificates and documents as the Council shall from time to time prescribe.

Validity of practising certificate.

- 28.** (1) Where an application is made by a person in accordance with Section 26, the Registration Committee shall issue to such person a practising certificate or renew an existing certificate if it is satisfied that the person —
- (a) is registered as a full member;
 - (b) has paid such fees and subscriptions as are due in terms of Section 14;
 - (c) has attained the requisite Continuous Professional Development (CPD) points for the period as prescribed by the Council; and meets such other requirements as the Council may from time to time prescribe.
- (2) A practising certificate issued under this Act shall be valid from the date of issue for one calendar year.
- (3) Notwithstanding subsection (2), a practising certificate shall cease to be in force if that person's registration is suspended or cancelled.
- (4) Where a practising certificate ceases to be in force under subsection (3), the person to whom the certificate was issued shall deliver it to the Institute within twenty-one days after the date on which he ceases to be registered.

Custody of the Practising Certificate.

- 29.** All certificates issued to members by the Institute shall remain the property of the Institute.

Cancellation of practising certificate.

- 30.** Subject to this Section, the Registration Committee shall cancel the registration of a Member of the Institute if the Committee is satisfied that a registered member is in breach of the provisions of this Act.

Register.

- 31.** (1) The Secretary to the Registration Committee shall cause to be kept a register which shall be recorded details and particulars of bona fide members.
- (2) The Secretary to the Registration Committee shall cause to be made such alterations in the register as are necessary to ensure that the matter recorded herein are accurate and up to date.
- (3) The register shall be received in proceedings before any court or tribunal as evidence of the matter recorded herein with which are required by or under this Act to be so recorded.

Proceedings under this Act.

- 32.** Proceedings on an inquiry under this Act before the Disciplinary Committee shall be deemed to be proceedings before a tribunal for the purpose of this section.

PART V— DISCIPLINARY AND ETHICS COMMITTEE

Establishment
of Disciplinary
and Ethics
Committee.

- 33.** There shall be a committee of the Council to be known as the Disciplinary and Ethics Committee. The Disciplinary and Ethics Committee consisting of five members who shall be nominated by the Council for appointment by the Cabinet Secretary vide a *Kenya Gazette* notice from amongst persons nominated in the following manner:
- (a) three members nominated by the Council from amongst the members of the Institute, of whom one shall be designated as the chairperson;
 - (b) one member nominated by firm/agency chapter recognised by the Council;
 - (c) one member nominated by the Attorney- General;
 - (d) Chief Executive Officer shall be ex officio member and shall perform the role of Secretary to the Committee;
 - (e) subject to the provisions under this Section, a member of the Disciplinary and Ethics Committee shall hold office for three years and shall be eligible for re- appointment for one other and final term;
 - (f) where any member of the Disciplinary and Ethics Committee resigns his office, or is for any reason unable to perform the functions of his office, the Council shall nominate a replacement for such member, for appointment in accordance with this Section;
 - (g) the Council shall provide the Disciplinary and Ethics Committee with such facilities and resources as are necessary to enable it to competently discharge its functions;
 - (h) the Disciplinary and Ethics Committee may, subject to the provisions of this Act, regulate its own procedure; and
 - (i) where the involvement of a Committee member in a decision of the Committee is likely to result in conflict of interest, the Committee member shall disclose such potential conflict of interest and the Committee member shall not take part in such decisions.

Professional
misconduct.

- 34.** (1) A member of the Institute is guilty of professional misconduct if —
- (a) He/she allows any person to practice in his/her name as a Public Relations and Communication Management practitioner.
 - (b) He practices or attempts to practice or permits any person in his/her employment to practice without holding a current valid annual practicing certificate.
 - (c) He/she discloses information acquired in the course of professional engagement to any person other than a client, without the consent of the client, or otherwise than required by law.
 - (d) He/she is guilty of gross negligence in the conduct of his/her professional duties.
 - (e) He/she expresses an opinion on any matter with which he/she is concerned in a professional capacity without obtaining authorisation by the client.
- (2) (a) A Public Relations and Communication Management practitioner shall observe the professional ethical guidelines and applicable standards in the code of conduct for the practice in the discharge of duty.
- (b) The ethical guidelines and applicable standards of the profession shall take precedence over any instruction from a client or other person.
- (c) A Public Relations and Communication Management practitioner shall not be held liable for taking such actions or decisions or rejecting instructions from a client if such action, decision or rejection is in pursuance of the provisions of subsections (2a) and (2b).

Complaints.

- 35.** (1) Complaints can be lodged by aggrieved persons from any of the following;
- (a) Member of the institute
 - (b) Council
 - (c) members of the public
- (2) A complaint under Subsection (1) may be made—
- (a) orally, either in person or by any form of electronic communication; or
 - (b) in writing, given to the Disciplinary Committee
- (3) Where complaints are oral, the Committee shall require them to be reduced in writing within seven days, unless it is satisfied there are good reasons for not doing so.

Inquiry by the
Disciplinary and
Ethics
Committee.

36. (1) Where the Council has reason to believe that a member of the Institute may have been guilty of professional misconduct, it shall refer the matter to the Disciplinary and Ethics Committee which shall inquire into the matter.

(2) The provisions of the Fourth Schedule shall have effect with respect to an inquiry by the Disciplinary and Ethics Committee pursuant to subsection (1).

Findings of the
Disciplinary
Committee.

37. (1) On the completion of an inquiry into the alleged professional misconduct of a member of the Institute, the Disciplinary and Ethics Committee shall submit to the Council a report of the inquiry which shall include one or more of the following recommendations, namely—

- (a) that no further action be taken against the member;
- (b) that the member be reprimanded;
- (c) that the member pays such costs to the Institute, not exceeding two hundred thousand shillings, as may be determined;
- (d) that the member undertakes training at his own cost, of such nature and duration and at such institutions as may be determined;
- (e) that the member discharges his or her professional obligations under any contractual arrangement subject of the alleged misconduct;
- (f) that any practising certificate held by the member be suspended, or that the registration of the member be cancelled and that he or she be not registered for such period (including life) as may be specified by the Committee.

(2) Where the Disciplinary and Ethics Committee, in a report makes a recommendation under subsection (1), the Council shall within fourteen (14) days inform the member concerned of the action to be taken against him and effect the recommendation of the Disciplinary and Ethics Committee.

Appeal

- 38.** (1) A member aggrieved by a determination of the Disciplinary and Ethics Committee under subsection 37 (1) may make an appeal to the Council within twenty-one days of the communication to him of such determination, providing the grounds upon which the appeal is lodged.
- (2) The Council may upon receipt of an appeal under subsection (1) direct the Disciplinary and Ethics Committee to re-open the inquiry and shall in such direction specify the aspects of the matter it requires the Disciplinary and Ethics Committee to reconsider.
- (3) The Disciplinary and Ethics Committee shall comply with the direction of the Council under subsection (2) and shall, after concluding the inquiry, submit a report to the Council.
- (4) An aggrieved party has the right and may appeal against the decision of Council to the High Court of Kenya.

PART VI— FINANCIAL PROVISIONS

Funds of the
Institute

- 39.** (1) The funds of the Institute and the Board shall consist of;
- (a) such monies or fees as may be charged by the Institute and the Board under this Act;
 - (b) such monies or assets as may accrue to the Institute and the Board in the course of the exercise of its powers or the performance of its functions under this Act or under any other written law;
 - (c) all monies from any other sources provided, donated or lent to the Institute and the Board; and
 - (d) all monies by public appeal or otherwise within Kenya or elsewhere donations, grants, gifts, legacies and bequests either in cash or in kind whether for the general purposes of the Institute and the Board or for any specific purpose which is within the objectives of the Institute and the Board from individuals, trusts, companies, corporations, firms, aid agencies, foundations, associations, governmental and inter-governmental authorities or other sources.
- (2) Unless otherwise provided, the financial year of the Institute and the Board shall be the period for twelve [12] months ending on the 31st day of December in each year.

Annual estimates of revenue and expenditure

40. (1) At least three months before the commencement of each financial year, the Institute shall cause to be prepared estimates of the revenue and expenditure of the Council for that financial year. The annual estimates shall make provisions for all 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 staff of the Council;
- (b) payment of pensions, gratuities and other charges in respect of former staff of the Council;
- (c) proper maintenance of the buildings and grounds of the Council;
- (d) maintenance, repair and replacement of the equipment and other property of the Council;
- (e) payment of allowances of the members of the Council and the members of the Board; and
- (f) creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, replacement of buildings or equipment, or in respect of such other matters as the Council may deem fit.

(2) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the members at the Annual General Meeting (AGM) of the Institute for ratification.

(3) No expenditure shall be incurred for the purposes of the Council except in accordance with the annual estimates approved under subsection (2), or in pursuance of an authorisation of the Council.

Accounts and audits

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

(2) The accounts of the Council and Examination Board shall, subject to the overriding provisions of Public Audit Act, 2012, and *mutatis mutandis*, be audited by auditors appointed by the Institute and Examinations Board, as the case may be examined, audited and reported upon annually by the Auditor-appointed by the Institute and Examination Board as the case may be.

(3) Within six months after the end of the financial year or other period to which the accounts examined and audited under subsection (2) relate, the Institute and the Examination Board shall send to members a copy of the statement with a copy of any report made by the auditor concerned on that statement or on any such accounts.

PART VII — MISCELLANEOUS PROVISIONS

Offences

42. (1) A person who, not being eligible to be registered under this Act, practices for gain as a Public Relations and Communication Management professional, commits an offence and shall be liable on conviction to a fine not more than five hundred thousand shillings or to imprisonment for a term of one year or both.

(2) A person who willfully makes or causes to be made any false entry in, or falsification of, any register or record kept under this Act, or who presents or attempts to present himself or any person to be registered under this Act by making or producing or causing to be made or produced a false or fraudulent representation or declaration, either orally or in writing, commits an offence and shall be liable on conviction to a fine not more than two hundred thousand shillings or to imprisonment for a term of one year or both.

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

PART VIII —TRANSITIONAL CLAUSES

Transitional
clauses

43. (i) The Institute of Public Relations and Communication Management Act is hereby established.

(ii) The Institute established under this Act hereby replaces the Public Relations Society of Kenya that was established under the Society's Act.

44. (1) Public Relations and Communication Management professionals existing before the enactment of this Act shall assume the status imposed on the Council and Registration Committee by this Act are deemed to be registered members of the Institute.

(2) Public Relations Society of Kenya's Council and Committees existing before the enactment of this Act shall assume the responsibilities imposed on the Council and Committees by this Act as an Interim Council and Interim Committees until the first elections are held under this Act.

(3) All persons who prior to commencement of this Act were in the employment of the Society, shall upon commencement of this Act be deemed to be employed by the Institute on such terms as may be determined by the Council.

(4) The service of the employees of the Society shall be deemed to be continuous service for the purpose of the payment of all employment benefits.

(5) The Interim Council to facilitate the registration of members of the Institute and the convening of the first annual general meeting at which new Council shall be elected.

(6) The first annual general meeting of the Institute shall be convened by the Interim Council within a period of twelve months of the commencement of this Act.

(7) Any registration certificate or practising certificate or written authority to practice and in force and issued by the Society shall be deemed to have been validly granted and shall remain in force until it is replaced under this Act, if and as appropriate.

(8) Any Public Relations and Communication Management professional carrying out any business contrary to this Act shall ensure that the business is compliant with the Act within twenty-four months of the commencement of this Act.

(9) Any examination currently being conducted by any statutory body for the purpose of qualifying as a Public Relations and Communication Management professional shall be transferred to the Examination Board within twenty-four months of the commencement of this Act.

(10) All property, assets, rights, liabilities, obligations, agreements and other arrangements existing at the commencement of this Act and vested in, acquired, incurred or entered into by or on behalf of the Council, shall upon the commencement of this Act, be deemed to have vested in or to have been acquired, incurred or entered into by or on behalf of the Institute to the same extent as they were enforceable by or against the Institute of Public Relations and Communication Management before the commencement of this Act.

(11) Anything done by the Society established under the Societies Act having effect before the commencement of this Act shall be deemed to have been done by the Institute, under the provisions of this Act.

Declaration
by the Cabinet
Secretary

45. (1) After the expiration of twenty four months, after the commencement of this Act, no person shall practice as a Public Relations and Communication Management practitioner unless he/she is the holder of a valid practicing certificate that is in force.

FIRST SCHEDULE
THE INSTITUTE'S GOVERNANCE STRUCTURES

1. (1) The President shall be elected by the voting membership of the institute in annual general meeting.
- (2) Subject to the provisions of this Act concerning resignation, disqualification and termination, the chairman shall hold office for a non-renewable term of two years.
- (3) A person who holds office of President may resign from the office by writing under his hand delivered to the Council.

GENERAL MEETINGS

- (a) There shall be two classes of general meetings, annual general meetings and special general meetings.
- (b) The annual general meeting shall be held not later than six months after the end of each financial year. Notice in writing of such annual general meetings, accompanied by the annual statement of account and the agenda for the meeting shall be sent to all members not less than 21 days before the date of the meeting, and where practicable, the notice of the meeting shall be advertised in the press not less than 14 days before the date of the meeting.
- (c) The agenda for the annual general meeting shall consist of the following:
 - (i) Confirmation of the minutes of the previous annual general meeting
 - (ii) President's Report.
 - (iii) Consideration and adoption of accounts.
 - (iv) Elections.
 - (v) Appointment of auditors.
 - (vi) Such other matters as the Council may decide or of which a member or members shall have given notice in writing to the Secretary at least seven days before the day of the meeting.
- (d) The Committee may call a special general meeting for a specific purpose. Notice in writing of such a meeting shall be sent to all members not less than 14 days before the date of the meeting.
- (e) A special general meeting may also be requisitioned for a specific purpose by order in writing to the Secretary by no less than five full members and such meeting shall be held within 21 days of the date of the requisition. The notice for such meeting shall be issued as for (d) above, and no matter shall be discussed other than the stated in the requisition.
- (f) The quorum at a general meeting shall be not less than 10% of the paid-up membership if the paid-up membership exceeds 100.
- (g) At a general meeting only full members shall be permitted to vote.

PROCEDURE AT MEETINGS

- (a) At all meetings of the Institute, the President or in his absence, the Vice-President, or in the absence of both these office bearers, a Council member selected by the meeting shall preside over the meeting.
- (b) The President may at his discretion limit the number of persons permitted to speak in favor of or against any motion.
- (c) Except as otherwise provided for in these rules, resolutions shall be decided by simple voting by a show of hands or such other procedure as may be prescribed in by-laws or regulations published under the provisions of this Act.
- (d) In case of equality of votes, the President shall have a second or casting vote.
- (e) A declaration by the person presiding at a meeting of the Institute that a resolution has or has not been carried and an entry to that effect in the minutes of the meeting in evidence of that fact.

THE COUNCIL

1. (1) Each of the elected members of the Council (one of whom shall be President) referred to in Section 6 of this Act shall be elected at an annual general meeting of the Institute.
2. A member of the Council hold office for the prescribed period, unless he earlier ceases to hold office.
3. The office of a member of the Council shall become vacant if such member —
 - (a) Resigns from the office by writing under his hand delivered to the President; or
 - (b) Has the appointment revoked by the appointing bodies in the case of the members appointed pursuant to section 6 (b) (c) and (d); or
 - (c) Ceases to hold the office in the case of members appointed pursuant to section 6(b) (c) and (d); or
 - (d) Is absent without the permission of the Council from three or more consecutive ordinary meetings of the Council; or
 - (e) Is convicted of an offence involving corruption, dishonesty or abuse of office; or,
 - (f) Being a member of the Institute is found guilty of an act of professional misconduct under section 34 (1) of the Act, which in the opinion of the Council renders him unsuitable to continue to hold office; or,
 - (g) Becomes for any reason, including infirmity of body or mind, incompetent or incapable of performing the functions of his office.
 - (h) Where a member of the Council ceases to hold office, another member shall

be elected to fill the vacancy at the annual general meeting of the Institute next following or shall be appointed as provided under section 6 (b) (c) and (d) of this Act, as the case may be.

4. Council members will serve for three years renewable once.
5. The prescribed period shall be three years, that is the period commencing on the date of election, appointment or co-option of a member to the Council to the commencement of the day on which the fourth annual general meeting thereafter is to be held.
6. Of the six members of the Council (including the Vice-President) first elected by the Institute after the commencement of this Act—
 - (a) two (identified by agreement of the members of the Council or by lot) shall cease to hold office at the commencement of the day on which the second annual general meeting of the Institute is to be held, save in the case of any such who earlier ceases to hold office;
 - (b) two (so identified) shall cease to hold office at the commencement of the day on which the third annual general meeting of the Institute is to be held, save in the case of any such member who earlier ceases to hold office; and
 - (c) the remaining two members shall cease to hold office at the commencement of the day on which the fourth annual general meeting of the Institute is to be held, save in the case of any such member who earlier ceases to hold office.
 - (d) The Council shall ensure inclusivity in nomination process for elective posts.

SCHEDULE TWO THE EXAMINATIONS BOARD

1. (1) A member of the Examinations Board shall hold office for the period of three years next following his appointment and shall be eligible for reappointment, unless the earlier ceases to hold office.
 - (2) The office of member of the Examinations Board shall become vacant if such member —
 - (a) resigns the office by writing under his hand and delivered to the Council.
 - (b) has appointment revoked by the Cabinet Secretary on advise of the Council or ceases to hold the office.
 - (3) The Cabinet Secretary shall after receipt of the communication under subparagraph (2) appoint a replacement in accordance with section 15 of the Act.
2. (1) The Cabinet Secretary shall appoint from the members of the Examinations Board a Chairman.
 - (2) The Chairman and the members of the Board shall hold office until they cease to hold office as members of the Examinations Board, may resign the office, by writing

under his hand addressed to the Council.

(3) The Chairman and members of the Examinations Board may resign, by writing under his hand addressed to the Council.

3.(1) The quorum at meeting of the Examinations Board and the arrangements relating to the meeting shall be such as the Examinations Board may determine.

(2) The person presiding at a meeting of the Examinations Board has deliberative vote, and in the event of an equality of votes, also has a casting vote.

(3) Minutes of the proceedings of the Examinations Board shall be kept in such a manner as the Board directs, and on the written request of the Council shall be made available to Council or any person nominated by him.

SCHEDULE THREE
[THE REGISTRATION AND QUALITY]
ASSURANCE COMMITTEE

1. (1) A member of the registration Committee shall hold office for a period of three years unless he earlier ceases to hold office.

(2) A member of the Registration Committee may resign the office by writing under his hand to the Council which shall seek the nomination of a replacement by the Cabinet Secretary.

(3) A member of the Registration Committee who ceases to hold office at the end of prescribed term is eligible for re-appointment.

2. (1) The procedure to be followed on a quality assurance review shall subject to this Schedule, be at the discretion of the Registration Committee.

(2) The Registration Committee shall notify the member of an impending quality assurance review at least 21 days prior to commencement of the review.

3. (1) Where the result of a quality assurance review are considered unsatisfactory, the Registration Committee may require the member or members concerned to undertake necessary corrective actions to comply with professional standards and may prescribe requirements to be observed in this respect.

(2) The requirements of the Registration Committee shall be implemented by the member or members investigated within such time as may be determined.

4. The Registration Committee shall provide the Council with a report on all the Quality Assurance Reviews the committee undertakes and where necessary or appropriate, the Council shall take such action as may be recommended therein.

5. (1) The Registration Committee shall not, without the consent of the member or members under review, disclose to any person other than the Council, any information received in the course of an investigation, unless such disclosure is required by a law for the time being in force in Kenya.

(2) Any member of the Registration Committee or quality Assurance review team who discloses any information acquired in the course of a quality assurance review contrary to the provisions of this Act or applies such information to gain advantage

whether financial or otherwise commits an offence and shall be liable to a fine not exceeding fifty thousand shillings on conviction.

6. The quorum for meetings of the Registration Committee shall be four.
7. The decision of the Registration Committee shall not be invalidated by any vacancy in its membership.
8. A record of the proceedings of the Registration Committee shall be kept in such a manner as the Committee directs and may on written request be availed to the Council or a party authorised by the Council or High Court to receive them.

SCHEDULE FOUR DISCIPLINARY AND ETHICS COMMITTEE

1. (1) The Council shall cause a statement to be prepared setting out the allegations of professional misconduct to be investigated by the Disciplinary Committee.
(2) The Secretary of the Council shall transmit to each member of the Disciplinary Committee and to the person whose conduct is the subject of the investigation a copy of the statement prepared pursuant to sub-paragraph (1) of this paragraph.
2. (1) The Secretary to the Council will give notice of the first date, time and place fixed for the inquiry to the person whose conduct is the subject of investigation.
(2) Every such notice shall at least fourteen days before the first date fixed for the inquiry, be delivered to the person whose conduct is the subject of investigation by hand or be sent to him through the post by hand or be sent to him through the post by registered letter addressed to his address last known to the Council.
(3) Where the person whose conduct is the subject of investigation fails to appear either personally or by his advocate or other authorised representative at the time and place fixed in the notice served on him, the inquiry shall be adjourned. In the event of such non-attendance at a subsequent hearing of which notice has been given in accordance with sub-paragraph (2), the inquiry may proceed in the absence of the person or his advocate.
3. (1) A person whose conduct is the subject of investigation may appear at the inquiry either personally or by his advocate.
(2) The Institute may appear at the inquiry by an advocate.
4. (1) For the purpose of the conduct of inquiry the Disciplinary Committee has power—
 - (a) to administer oaths;
 - (b) to summon persons to attend and give evidence;
 - (c) to order the production of relevant documents, including court judgements;
and
 - (d) to recover in whole or in part the cost of the inquiry from any or all the parties involved in the proceedings as the Committee deems fit.
(2) An oath may be administered by any member of the Disciplinary Committee or by the Secretary to the Council.

- (3) Notices, order and summonses of the Disciplinary Committee shall be issued under the hand of the Secretary to the Council.
5. (1) Subject to rules of natural justice and fairness, the provisions of the Constitution of Kenya and to the provisions of this Schedule relating to inquiries —
- (a) The procedure to be followed is within the discretion of Disciplinary Committee; and
 - (b) The Disciplinary Committee is not bound by the rules of evidence,
- (2) Unless the Disciplinary Committee otherwise determines, the proceedings on the inquiry shall be held in Camera.
- (3) The Secretary to the Council shall keep or cause to be kept, a record of the proceedings on the inquiry.
- (4) The Secretary to the Council or his nominee may attend meetings of the Disciplinary Committee and may with the Consent of the President at a meeting take part in the deliberations on any matter arising at the meeting, but he shall not be entitled to vote on any such matter.
6. (1) The decision of the Disciplinary Committee on the inquiry is that of the majority of the members present and voting for the purpose of making a decision.
- (2) For the purpose of making the decision on the inquiry, every member of the Disciplinary Committee has one vote, and, in the event of an equality of votes, the President of the Disciplinary Committee also has a casting vote.
7. The validity of the proceedings of the inquiry is not affected by any vacancy among the members of the Disciplinary Committee or any defect in the appointment of a member.
8. (1) A person served with a summons to appear as a witness at the inquiry who, without reasonable excuse fails to attend as required by the summons, is guilty of an offence.
- (2) A person appearing as a witness at the inquiry who, without reasonable excuse —
- (a) Refuses or fails to be sworn or to make a solemn declaration in relation to the evidence he will give, or
 - (b) Refuses or fails to answer a question that he is required to answer by the President of the Disciplinary Committee: or
 - (c) Refuses or fails to produce a document that he was required to produce by summons under this Act, served on him, commits an offence.
9. (1) A member of the Disciplinary Committee has in the of his duty as a member, the same protection and immunity as a judge.
- (2) A person appearing before the Disciplinary Committee as a witness at the inquiry has the same protection, and is, in addition to the penalties provided in this schedule, subject to the same liabilities, in any civil or criminal proceedings, as a witness in proceedings in the High Court.
10. Proceedings on the inquiry shall be judicial proceedings for the purposes of Chapter XI of the Penal Code.

SCHEDULE FIVE CODE OF CONDUCT

The reputation of our profession is dependent on the conduct of each practitioner. By adhering to the highest standards of professional and personal conduct, we ensure respectability of the practice of Public Relations and Communication Management. This Code of Ethics is, therefore, provided to give practitioners a guide that will ensure standards of excellence are upheld by members. The values prescribed here therefore provide the foundation upon which the integrity of the industry in Kenya will be upheld, ensuring professional growth and respectability. The values will also provide the basis upon which the Disciplinary Committee of the Institute of Public Relations and Communication Management will carry out its role. In this regard, therefore, members of the Institute will be expected to sign and abide by this Code of Ethics.

Integrity

Public Relations and Communication Management practitioners are expected to act with honesty and integrity at all times so as to secure and retain the confidence of those with whom the practitioner comes into contact and to protect the reputation of the Public Relations and Communication Management profession in general.

Confidentiality

Practitioners should provide objective counsel to those they represent and honour confidential information provided to them. Practitioners should safeguard the confidences of either present and former clients or employers. They should not disclose - except upon order of a court of competent jurisdiction - any confidential information, which they may have obtained in their official capacity without securing and making known the consent of the said client or employer.

Accuracy

Take all reasonable steps to ensure the truth and accuracy of all information provided in advancing the interests of clients and employers.

Conflict

Avoid any professional conflicts of interest and to disclose such conflicts to affected parties when they occur.

Dialogue

Practitioners should seek to establish the moral, cultural and intellectual conditions for dialogue, and recognise the rights of all parties involved to state their case and express their views. The ultimate goal should be to enable mutual understanding and respect.

Transparency

Practitioner should be open and transparent in declaring their name, organization and the interest they represent. They should give credit to others for their work and cite my sources.

Falsehood

Practitioners should not intentionally disseminate false or misleading information. Exercise proper care to avoid doing so unintentionally and correct any such act promptly. Practitioners have a positive duty to maintain truth, accuracy and good taste.

Deception

Practitioners should not obtain information by deceptive or dishonest means. Neither should they use confidential information for personal benefit.

Disclosure

Practitioners should not create or use any organization to serve an announced cause, but which actually serves an undisclosed interest.

Influence

Practitioners should neither propose nor undertake any action which would constitute an improper influence on public representatives, the media, or other stakeholders;

Remuneration

Whilst providing professional services, practitioners should not accept any form of payment in connection with those services from anyone other than the principal;

Inducement

Practitioners should not neither directly nor indirectly offer nor give any financial or other inducement to public representatives or the media, or other stakeholders.

Poaching

No practitioners should seek to secure another practitioner's client by deceptive means;

Employment

When employing personnel from public authorities or competitors take care to follow the rules and confidentiality requirements of those organisations.

Loyalty

Practitioners should remain faithful to those they represent, protect privacy of individuals concerned while honoring their obligations to serve the interests of society and support

the right of free expression and strive to respect the spirit as well as the letter of applicable law.

Honesty

A member shall at all times deal fairly and honestly with his clients or employees past and present, with his fellow members and with the general public.

Profit

Practitioners should not sell for profit to third parties' copies of documents obtained from public authorities.

Professionalism

Public Relations and Communication Management professionals adopt the highest standards of professional behaviour. Practitioners acquire and responsibly use specialized knowledge and experience. They advance the profession through continued professional development, research, and education.

Public Interest

A member shall conduct his professional activities with respect for the public interest. Members may not serve the interests of any foreign government or agency, whether paid or unpaid without revealing the full extent of the relationship to the society.

Colleagues

A member should observe this Code with respect to fellow Institute of Public Relations Communications Management members and public relations and communication management practitioners worldwide.