



THE REPUBLIC OF KENYA

LAWS OF KENYA

KENYA SOCIETY FOR THE BLIND ACT

CHAPTER 251

Revised Edition 2012 [1988]

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org

CHAPTER 251

KENYA SOCIETY FOR THE BLIND ACT

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CHAPTER 251**KENYA SOCIETY FOR THE BLIND ACT**

[Date of assent: 17th December 1956.]

[Date of commencement: 18th October 1956.]

An Act of Parliament to establish a society to promote the welfare, education, training and employment of the blind and to assist in the prevention and alleviation of blindness; and for other purposes connected therewith

[Act No. 51 of 1956, Act No. 15 of 1961, L.N. 2/1964,
L.N. 365/1964, Act No. 9 of 1967, Act No. 19 of 1982,
Act No. 12 of 1984.]

1. Short title

This Act may be cited as the Kenya Society for the Blind Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**the blind**” means those persons who are deprived of all sight, or are so deprived of sight that they require the aid of special facilities to obtain education, training or employment;

“**Council**” means the Council appointed under the provisions of section 6 of this Act;

“**financial year**” means the twelve-month period from the 1st January in any one year, or from such other date as the Council may direct;

“**local branch or committee of the Society**” means any local branch or committee established under the provisions of paragraph (k) of section 5;

“**property**” means property of whatever nature whether realty or personality, movable or immovable;

“**Society**” means the Kenya Society for the Blind established under section 3.

[Act No. 19 of 1982, Sch.]

3. Establishment of Society

There is hereby established a body corporate, by the name the Kenya Society for the Blind, with perpetual succession and a common seal, and with power to sue and be sued in its corporate name.

4. Objects of Society

The objects for which the Society is established are—

- (a) to promote the welfare, education, training and employment of the blind;
- (b) to assist the Government, societies, any institution, organisation or society or any person in all matters relating to the blind;
- (c) to awaken public interest in the welfare of the blind and in all matters relating to blindness;

- (d) to advise on all things necessary or required in any matter relating to or connected with the blind.

[Act No. 19 of 1982, Sch.]

5. Powers of Society

The Society, for the purpose of fulfilling its objects, shall have power—

- (a) to acquire by purchase, gift or otherwise any property and any rights or interests therein or thereover;
- (b) to enter into any contract or agreement;
- (c) to collect, or to arrange for the collection of, or to seek subscriptions, contributions, gifts or donations, whether in money or otherwise;
- (d) to erect, alter or demolish any building or other erection;
- (e) to sell, lease, dispose of or otherwise deal with any property and any rights or interests therein or thereover;
- (f) to borrow and raise money upon such terms and conditions as may be approved by the Council;
- (g) to invest any moneys not immediately required in any investment for the time being authorised by law for the investment of trust moneys, and to vary that investment;
- (h) to carry on any business which will be of a direct benefit to the blind;
- (i) to establish, maintain, run or assist in the establishment, maintenance or running of any hospital, school or any other institution which will be a direct benefit to the blind;
- (j) to employ, upon such terms and conditions as may be determined by the Society, such managers, agents and servants as may be necessary, and to fix their remuneration and to arrange for pension schemes, gratuities and retiring allowances and any contributions therefor;
- (k) to establish a local branch or committee of the Society in any specified area or for any specified undertaking, and by rules to make provision for the constitution, proceedings, powers and duties of such local branch or committee of the Society;
- (l) to delegate to any local branch or committee of the Society or to any institution, organisation or society or to any person any of the powers conferred by paragraphs (c), (h), (i) and (j) of this section upon the Society;
- (m) to do all such acts, matters and things as may be necessary for fulfilling the objects of the Society.

[Act No. 19 of 1982, Sch.]

6. Establishment and constitution of Council

(1) For the purposes of exercising the powers and fulfilling the objects of the Society, and of administering, controlling and managing the affairs and property of the Society, there is hereby established a Council.

(2) The Council shall consist of—

- (a) three public officers who shall be deputed in writing from time to time by the Permanent Secretaries in the Ministries for the time being responsible for matters relating to health, social services and basic education respectively;
- (b) six elected members.

(3) The elected members shall be elected at a meeting of members of the Society and shall hold office to two years but shall be eligible for re-election.

(4) If any elected member of the Council—

- (a) dies;
- (b) resigns;
- (c) is absent from the Kenya for a continuous period exceeding one year;
- (d) is declared bankrupt or enters into any composition with his creditors;
- (e) is convicted of any crime which in the opinion of the Council involves moral turpitude; or
- (f) is unable in the opinion of the Council, by reason of infirmity of mind or body, to perform the duties of a member of the Council,

there shall be a vacancy on the Council and the Council may appoint another person to be a member in place of such member for the remainder of such member's term of office.

[Act 15 of 1961, Sch., L.N. 365/1964, Sch., Act No. 9 of 1967, Sch., Act No. 19 of 1982, Act 12 of 1984, Sch.]

7. Chairman of Council

(1) The Council shall appoint a chairman and a vice-chairman from amongst the elected members.

(2) The chairman of the Council shall preside at all meetings of the council; but in the absence of the chairman, the vice-chairman shall preside, and in the absence of both, the members of the Council present at any meeting may elect one of their number to be chairman for the purpose of such meeting.

8. Proceedings of Council

(1) At any meeting of the Council, five members of the Council shall constitute a quorum for the transaction of business.

(2) A decision of the majority of the members of the Council present at any meeting of the Council shall be deemed to be the decision of the Council: and if upon any question the voting shall be equal, the chairman or any person presiding shall have a second and casting vote.

(3) Subject to subsection (1), no act, decision or proceedings of the Council shall be questioned on account of any vacancy in the membership thereof, or on account of the appointment or election of any member of the Council being defective.

(4) The Council may appoint a committee for any purpose that it may deem expedient, and may co-opt any person to be a member of any committee so appointed.

(5) The Council may from time to time make rules for the transaction of the business of the Council or of any committee of the Council.

[Act No. 19 of 1982, Sch.]

9. Duties of Council

(1) The Council shall hold at least four Council meetings every year.

(2) The Council shall cause minutes of every Council meeting to be kept.

(3) The Council shall keep or cause to be kept a full and correct account of all moneys and assets vested, received, or otherwise obtained, and all moneys and assets sold, expended or otherwise dealt with and shall within three months after the end of such financial year submit to the Ministries responsible for health, social services and education, and to such order Ministries, organizations and individual persons as the Council deems fit a report of the operations of the Society, accompanied by statements of assets and liabilities and revenue and expenditure.

(4) The Council shall cause the accounts to be audited once every year by a qualified and competent auditor.

(5) The Council shall call a meeting of members of the Society—

(a) at least once in every period of fourteen months; and

(b) if requested in writing to do so by not less than twenty members of the Society.

(6) The Council shall prepare and maintain a register of members of the Society.

[Act No. 12 of 1984, Sch.]

10. Common seal of Society

(1) The common seal of the Society shall be authenticated by the signature of the chairman of the Council, or of some other member of the Council authorised in that behalf, and any one other member of the Council, and such seal shall be officially and judicially noticed.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Council may be signified under the hand of the Chairman of the Council, or any member of the Council authorised in that behalf.

11. Members of Society

(1) Any individual person or organization may become an ordinary member or a life member of the Society by paying the appropriate subscription to be decided by the Council from time to time.

(2) *Repealed by Act No. 12 of 1984, Sch.*

(3) The Council may nominate any person, who has in its opinion greatly furthered the objects of the Society, to become a patron of the Society, and any person so nominated shall automatically become a member of the Society.

[Act No. 12 of 1984, Sch.]

12. Meetings of members of Society

(1) The chairman of the Council shall preside at all meetings of members of the Society. In the absence of the Chairman a member of the Council shall preside.

(2) The Council may prepare standing orders for the conduct of meetings of members of the Society.

(3) The agenda for meetings of members of the Society shall be prepared by the Council, but any twenty members of the Society may require any matter to be placed upon the agenda.

(4) At a meeting of members of the Society any vacancies upon the Council shall be filled by members of the Society who—

- (a) were nominated by another member at least ten days before the meeting; and
- (b) are duly elected by the members of the Society present and voting at the meeting.

13. Protection of members, etc., of Society

No matter or thing done by any member, officer, agent, servant or employee of the Society or the Council *bona fide* for the purpose of executing any of the provisions of this Act shall render that member, officer, agent, servant or employee personally responsible to any action, liability, claim or demand whatever.

14. Restriction on appeal for contributions

(1) Except with the written permission of the Council, no person other than the Society shall publish appeals to the general public for subscriptions, contributions, donations or other forms of gifts for any objects or purpose for which the Society is established.

(2) A person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding five hundred shillings or to imprisonment for term not exceeding one month or to both, and in addition any money, goods or other things collected or received by him by way of a subscription, donation, contribution or as a gift may by an order of the court be forfeited and paid or given over to the Society.
