



**NATIONAL COMMISSION FOR SCIENCE,
TECHNOLOGY AND INNOVATION**

**MANUAL FOR REGISTRATION OF
RESEARCH INSTITUTIONS IN KENYA**

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ABBREVIATIONS AND ACRONYMS

CS	Cabinet Secretary
DG	Director General
NACOSTI	National Commission for Science, Technology and Innovation
PI	Principal Investigator
QAS	Quality Assurance and Standards
SOPs	Standard Operating Procedures
ST&I	Science, Technology and Innovation
VC	Vetting Committee
QA&S	Quality Assurance and Standards

Foreword

Since the commencement of the Science, Technology and Innovation Act 2013 (ST&I Act) in June 2013, the National Commission for Science, Technology and Innovation (NACOSTI) embarked on its operationalization. NACOSTI, in collaboration with stakeholders, developed the Science, Technology and Innovation (ST&I) Regulations 2014 (Regulations). These Regulations were approved by Parliament in August 2015. NACOSTI is implementing the Regulations.

The Regulations under Legal Notice No. 106 provides for procedure for registration of Research Institutions. As a first step towards registration of Research Institutions, NACOSTI constituted the Vetting Committee as envisaged under paragraph 4 (1) of the Regulations. This Committee is spearheading the registration of the Research Institutions.

This Manual for Registration of Research Institutions in Kenya was developed by the Vetting Committee. It is a reference document for stakeholders and especially those expected to register their Institutions. It will be reviewed from time to time in response to changes in the national research system.

The Manual consists of three sections namely; Background; Vetting and Approval Process; and Compliance of Research Institutions with the provision of the ST&I Act. NACOSTI commits to registering Research Institutions within the timeliness provided for in this Manual.

May I take this opportunity to thank the Vetting Committee for preparing this Manual.

Dr. M. K. Rugutt, PhD, OGW
DIRECTOR GENERAL

1.0 BACKGROUND

Sections 16 and 17 of the Science, Technology and Innovation Act No. 28 of 2013 (ST&I Act) provides for Registration of Research Institutions in Kenya. Section 21 of the Act outlaws establishing and operating a research institution without obtaining a Certificate of Registration. In order to comply with the provisions of the ST&I Act, a Vetting Committee as specified in paragraph 4 of the Legal Notice No. 106, Science, Technology and Innovation (Registration and Accreditation of Research Institutions) Regulations, 2014 (Legal Notice No. 106).

1.1 Vetting Committee

Pursuant to the above provisions, the Director General appointed the Vetting Committee (VC) on 15th June, 2016. The committee is made up of five officers from NACOSTI. These are:

- a) Director, Accreditation and Quality Assurance;
- b) Head, Registration and Quality Assurance;
- c) Head, Licensing, Monitoring and Evaluation;
- d) Directorate of Technical Services Representative;
- e) Legal Manager

This Committee is assisted by the Secretariat.

Legal Notice No. 106 empowers the Committee to co-opt up to two persons from time-to-time from outside the Commission on the basis of their specialization in any particular case that is under the consideration of the Committee. This will be undertaken as per procedure outlined in Annex 1.

1.2 Terms of Reference for the Vetting Committee

- i. Prepare a checklist for the requirements of Registration and Accreditation of Research Institutions.
- ii. Vet applications for Registration and Accreditation of Research Institutions.
- iii. Inspect research institutions which have applied for registration and accreditation.
- iv. Make recommendations for registration and accreditation of research institutions.
- v. Prepare Certificates for Registration and Accreditation of Research institutions.
- vi. Ensure that research institutions comply with the provisions of the ST&I Act and the Regulations.
- vii. Undertake any other task on Registration and Accreditation as may be assigned by the Commission.

Under paragraph 4 (3) of Legal Notice No. 106, the Committee may determine the procedure for its meetings. This procedure is outlined in Annex 2.

1.3 Allowances of the Vetting Committee

The mandate of the VC is critical and underscores the overall mandate of the Commission. The members of the VC shall be paid an allowance as per the approval of the Board of the Commission.

1.4 Who is to be Registered?

According to Section 17 (1) of the ST&I Act, any person intending to establish a research institution in Kenya shall make an application to the Commission in the prescribed manner for the grant of a Certificate of Registration as indicated in Annex 3. Thus, all research institutions operating in Kenya must be registered.

The ST&I Act defines a research institution as any Institution, centre or place, whether public or private, in which research of any kind is conducted or undertaken by any person, consortium or institute, and which is registered under the Act.

Scientific research as per the Legal Notice No. 106 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 purposes of market survey or opinion polls that will lead to new knowledge or information.

Section 21 of the ST&I Act makes it an offence to operate a research institution without obtaining a Certificate of Registration. The section provides as follows:

- 1) *Any person who establishes or operates a research institute without obtaining a Certificate of Registration commits an offence under this Act and shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both.*
- 2) *Any property, equipment, material or other facilities used in a research institution in contravention of this Act shall be liable to be confiscated by the Commission and disposed of in the manner deemed appropriate by the Commission.*

2.0 VETTING AND APPROVAL PROCESS

The vetting and approval process of application for registration of research institutions involves five stages as indicated in Table 1 below:

Table 1: Five Stages for Registration of Research Institutions

Stage	Activity	Responsibility	Time frame
1	Pre-screening	Secretariat	1 day
2	Examination and Review of Application	Vetting Committee	2 Weeks
3	Verification	Vetting Committee	2 Weeks
4	Recommendations to the DG	Vetting Committee	1Week
5	Submission of Recommendations to the CS	Director General	1 Week
6	Granting of Certificate	Cabinet Secretary	2 Months

2.1 Pre-screening

The process of pre-screening will be undertaken by the Secretariat of the Committee. In undertaking pre-screening, the Secretariat may consult within and outside of the Commission. Pre-screening will commence as soon as the application(s) have been received and referred to the Secretariat by the Director General. Upon receipt of an application for registration, the Commission shall acknowledge receipt of the application to the applicant.

Pre-screening involves checking of the application documents to ascertain their completeness as per the requirements outlined in Annex 4. In case the application is determined to be incomplete, the Commission will communicate the determination to the applicant and require the applicant to make good the incompleteness. The Secretariat may follow up with the applicant on any missing documents/information with respect to the application. Once the application has been determined to be complete, the Secretariat shall make a summary of the application dossier and forward the application to the Committee for review.

2.2 Examination and Review of Application

The review of the application will be undertaken by the Vetting Committee as soon as the application has been referred to it by the Secretariat. The Chairman will convene a meeting as per the procedure outlined in Annex 2. In examining and reviewing the application, the Committee will be guided by Guidelines for Reviewing Applications (Annex 5).

The Secretariat, in consultation with the chair, will identify the need to co-opt members with relevant expertise and invite them to participate in the review of applications.

2.3 Verification of the Research Facility

All the potential research institutions will be visited by a team of at least three members of the Vetting Committee to verify the physical location, physical facilities and other documents submitted by the applicant. During the verification, the team will be expected to examine the original documents against the copies provided. The verification team may be assisted by peer reviewers or resource persons. In addition, the Guidelines shall also take into consideration the following aspects:

- a. Mandate and functions of the institute;
- b. Verification of allocations for research and development activities and audited accounts;
- c. Staffing levels and their qualifications;
- d. Operational documents (including institutional structure and career progression manual);
- e. Inspection of inventory of physical facilities (offices, equipment and laboratories);
- f. Inspection of infrastructural resources (internet, water, energy);
- g. Inspection of information resources (library, databases);
- h. Code of conduct for research (could include: IPR, SOPs);
- i. Research reports and publications;
- j. Strategic plans /business plan; and
- k. Any other relevant document to the registration.

2.4 Recommendations to the Director General

The Committee will hold a meeting to examine the report arising from the verification visit. It will then proceed to make appropriate recommendations to the DG.

2.5 Submission of Recommendations to Cabinet Secretary

After the VC recommends that the proposed research institution meets the requirements for Registration as a Research Institution, the DG will forward the application to the CS with the recommendations.

2.6 Grant of a Certificate of Registration

The recommendations submitted by the DG to the CS will include a request to grant a Certificate of Registration to the applicant as per the ST&I Act. The Vetting Committee shall prepare the following documents for forwarding to the DG:

- i. Vetting Report to the CS;
- ii. Duly filled Certificate of Registration; and
- iii. Gazette Notice on the registration of the Research Institution.

2.7 Format of the Report to the Cabinet Secretary

The report will be presented as follows:

- Background,
- Process of Verification,
- Findings, and
- Recommendations.

3.0 COMPLIANCE OF RESEARCH INSTITUTIONS WITH THE PROVISIONS OF THE ST&I ACT, 2013

One of the functions of the Vetting Committee is to ensure that registered research institutions comply with the provisions of the ST&I Act. Section 23(1) obligates the Commission to assess and evaluate registered research institutions at least once every three years. In undertaking this assessments, the Commission may appoint suitably qualified person or body to act as agent.

During monitoring and evaluation, the Commission shall have the power to inquire into programmes, management or any other relevant matter concerning the institution, and may interview any employee, call for or impound, examine and review any documents, reports or information held or kept by the institution, or utilize such methods or modalities of monitoring and evaluation as may be prescribed by the ST&I Act and ST&I Regulations. The cost of any evaluation or monitoring shall be borne by the respective Institution.

Given that the fields of research are diverse, NACOSTI may engage experts from time to time in the inspection of research institutions for compliance. Further, these experts can be engaged in the inspection of research facilities for registration and accreditation.

In view of the above, the Vetting Committee will identify and train experts in various fields as per the requirements outlined in Annex 6.

ANNEX 1**PROCEDURES FOR CO-OPTING MEMBERS INTO THE COMMITTEE**

The Director General may co-opt two other persons into the Vetting Committee from time-to-time from outside the Commission on the basis of their specialization in any particular case in accordance with paragraph 4 (b) of the Legal Notice No. 106 as per the procedure outlined herein.

1. Upon completion of pre-screening of application(s) under section 2.1 above, the Vetting Committee Secretariat, in consultation with the Chairman, will propose six persons out of which the Director General may nominate two for co-opting into the Vetting Committee;
2. In making the proposal of the persons to be nominated, the Vetting Committee Secretariat shall use the database of the experts trained in the respective field under Annex 5. In the event that there are no experts trained in the particular specialization in the data base, the Vetting Secretariat may consult the General Database in NACOSTI or other sources;
3. In nominating the members to be co-opted in (1) above, the Director General shall take into consideration gender, regional and geographical distribution and previous engagement with NACOSTI in other or similar activities;
4. The Vetting Committee Secretariat will communicate to the nominees and request them to serve as experts of the application in reference;
5. Upon acceptance of the request and the terms of engagement to serve as experts for the application in reference, the Director General will formally appoint the nominees and subsequently co-opt them into the Vetting Committee to participate in the deliberations on the application in reference;
6. The Commission will forward the summary of the application dossier to the experts with clear details and guidance and invite them to the Vetting Committee meeting where the application in reference will be reviewed;
7. The co-opted members may be required to participate in all subsequent deliberations of the Vetting Committee on the subject of the application in reference;
8. The two co-opted members may be required to participate fully in activities of the Committee in relation to the application in reference, including enforcement, surveillance, inspection and awareness creation;

9. The Committee shall periodically review the performance of the co-opted members and recommend their retention or substitution to the Director General as appropriate.

ANNEX 2

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE VETTING COMMITTEE

1. Tenure of Office

The members of the Vetting Committee shall hold office for a period of five years subject to renewal.

2. Vacation of Office

A member of Vetting Committee, may be removed from office by the Director General on the recommendation of the Chairperson of the Committee if the member:

- a) Has been absent from three consecutive meetings of the Vetting Committee without the permission of the Chairperson;
- b) Is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
- c) Is convicted of an offence involving dishonesty or fraud;
- d) Does not satisfy the requirements of Chapter Six of the Constitution on Leadership and Integrity;
- e) Is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors;
- f) Is incapacitated by prolonged physical or mental illness or is deemed otherwise unfit to discharge his/her duties as a member of the Vetting Committee; or
- g) Fails to comply with the provisions on disclosure of interest by the Vetting Committee Members as outlined under paragraph 4 below.

The above provisions shall also apply to members co-opted to the Committee.

3. Meetings

- a) The Vetting Committee shall come up with its calendar of meetings.
- b) The Chairperson shall convene all meetings of the Vetting Committee through issuance of Notice not less than 5 days to the date of the meeting. The Notification shall contain a list of all the applications (where applicable) among other agenda items for consideration.
- c) The Vetting Committee shall meet as often as necessary for the transaction of business, but not more than four months shall elapse between the date of one meeting and that of the next meeting.

- d) The Chairperson may convene a special meeting any time for the transaction of the business of the Vetting Committee.
- e) The quorum for the conduct of the business of the Vetting Committee shall be three members including the Chairperson or the person presiding.
- f) The Chairperson shall preside at every meeting of the Vetting Committee at which he is present but, in his absence, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.
- g) Unless a unanimous decision is reached, a decision on any matter before the Vetting Committee shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

4. Disclosure of interest by Vetting Committee members.

- a) If a member is directly or indirectly interested in any matter before the Vetting Committee and is present at a meeting of the Vetting Committee at which the matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the matter, or be counted in the quorum of the meeting during consideration of the matter.
- b) Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Vetting Committee may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.
- c) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.
- d) A member of the Vetting Committee who contravenes subparagraph (a) above, shall be barred from participating in the activities of the Commission.

5. Minutes and Records.

- a) The Directorate of Accreditation and Quality Assurance shall provide secretariat services to the Vetting Committee.
- b) The Directorate of Accreditation and Quality Assurance shall conduct prescreening of all the applications as per section 17(4) of the Act and advise the Director General appropriately through the Chairperson of the Vetting Committee.
- c) The Vetting Committee shall cause minutes of all proceedings and resolutions of meetings of the Vetting Committee to be recorded and kept appropriately.

6. Submission of Reports

The Vetting Committee shall submit reports on a regular basis to the Director General.

ANNEX 3

APPLICATION FORM FOR REGISTRATION OF A RESEARCH INSTITUTION

PART I (To be completed by the applicant)

(R.5 (1))

1. Personal Information

- a) Name of Institution applying for registration.....
- b) Physical Address.....
- c) Postal Address.....Code.....City
- d) Contacts:
 - Telephone.....
 - E-mail.....

2. Contacts for two top Management Officers

(Please give names and addresses of two members of top management)

- (i) Name.....
 - Designation.....
 - Highest Academic Qualification.....
 - ID/Passport Number.....
 - Postal AddressCode..... City
 - Contacts:
 - Telephone.....
 - Cell Phone.....
 - Email.....

- (ii) Name.....
 - Designation.....
 - Highest Academic Qualification.....
 - ID/Passport Number.....
 - Postal AddressCode..... City
 - Contacts:

Telephone.....
Cell Phone
Email.....

3. Personal References

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

(i) Name.....
Address.....
Occupation.....
Highest Academic Qualification.....
Contacts:
Telephone.....
E-mail.....

(ii) Name.....
Address.....
Occupation.....
Highest Academic Qualification.....
Contacts:
Telephone.....
E-mail.....

4. (a) Is your research institution registered? Yes/No

(b) If yes, please give the following details:

(i) Country of registration
(ii) Registration certificate number.....
(iii) Date of registration.....

(Attach copy of the certificate)

5. What is the proposed governance structure of the research institution?

(Please attach the structure)

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

(Please attach copy of Budget and a list of fixed assets)

7. Provide in detail the area of discipline the proposed research institution shall undertake.

(Please attach a detailed description of the proposed discipline Max. 250 words)

I certify that I have read and understood The Science, Technology and Innovation (Registration and Accreditation of Research Institutions) Regulations, 2014.

Full name of the applicant

Designation.....

ID/Passport Number

Signature. Date.....

PART II

(For official use by NACOSTI only)

Date application was received... ..

Approved/Not approved.:

Name.....

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

**Director General,
National Commission for Science, Technology and Innovation**

ANNEX 4**CHECK LIST FOR REGISTRATION****A. Preliminary Information**

Name of Institution-----

P.O. Box -----

Physical Address-----

Tel. Number -----

Email Address -----

Website (Optional) -----

Type of Research institution (public, private, international) others specify -----

B. Supporting Documents

The Application form should be accompanied by the documents indicated below.

No.	Item	Comments /verification
1	Duly filled application form	
2	Evidence of Payments (Cheques/ Bankers Cheque/ Bank Deposit slip/ Bank transfer)	
3	Valid Certificate of Establishment/Registration of the institution	
4	Organogram	
5	Audited financial statements	
6	List of fixed Assets	
7	Detailed Write up on the area of discipline that the proposed research institution shall undertake (Max. 250 words)	
8	Affiliations and collaborations, if any	
9	Evidence of qualified personnel to undertake research	
10	List of directors/CR 12 from the Registrar of Companies	

Checked by-----Date-----signature -----

ANNEX 5

Guidelines for Reviewing Applications

The Application form should be supported by the evidence indicated below

No.	Item	Evidence
1	Duly filled application form	- All parts of the registration form must be filled.
2	Evidence of Payments of Registration fee	- NACOSTI Accounts office has to confirm that money has been received in the Bank and issued with an official receipt.
3	Valid Certificate of Establishment/ Registration of the institution	<ul style="list-style-type: none"> - The certificate may be confirmed from the Registrar of Societies/Companies in the case of private research institution. - Evidence of corporate personality in the case of public institution (Statutory). - Powers, duties and functions of the institution has to be stated clearly. - Host Country Agreements have to be attached in case of International Institutions.
4	Governance Structure	- Organogram clearly indicating the research role/function and the in-post.
5	Sources of Funds	<ul style="list-style-type: none"> - Audited financial statements for the previous year. - Budgetary allocation for research function. - For private and International Research Institutions, audited financial statements (by a registered firm).
6	List of fixed Assets	<ul style="list-style-type: none"> - Should include offices, laboratory facilities, specialized equipment. - Land titles/leases/rent agreements for proof of occupancy. - Infrastructure
7	Detailed Write up on the area of discipline that the proposed research institution shall undertake (Max. 250 words)	<ul style="list-style-type: none"> - Mandate, Vision and Mission - Justification/rationale of the proposed research institution. - Include key areas of research.
8	Affiliations and collaborations, if Any	- Evidence of having MoU, Agreements etc. with specific areas of collaboration.

9	Evidence of qualified personnel to undertake research	<ul style="list-style-type: none">- Basic qualifications to undertake research is Master's Degree in the relevant field.- Bachelor's degrees to support researchers.- Provide CVs of at least two key researchers.
10	List of directors	<ul style="list-style-type: none">- Half of the directors must be Kenyans with relevant expertise in instances where the company is incorporated in Kenya.- Identification Documents (IDs) or Passports.- CR12 from Registrar of Companies.- International Research Institutions may be exempted from this requirement.- Shareholding in case of limited companies.

ANNEX 6

QUALITY ASSURANCE AND STANDARDS SUPPORT OFFICERS

These are officers expected to assist the Commission during inspection, compliance, monitoring and evaluation for the purpose of registration and/or accreditation of research institutions in accordance with the Science, Technology and Innovation Act, 2013.

1. What is Expected of the Quality Assurance and Standards officers

- a) To provide technical advice to the Vetting Committee for Registration and/or Accreditation of research institutions.
- b) To make recommendations for registration/accreditation or otherwise of research institutions.
- c) To participate during inspection, monitoring and evaluation of research programmes and facilities.
- d) To keep abreast with developments in their area of expertise on matters of research, science, technology and innovation.
- e) To undertake regular capacity building in their areas of specialization including those identified by the Commission.
- f) To abide by the ST&I Act and Regulations governing registration and accreditation of research institutions.

2. Requirements/Qualifications for Appointment as QA&S officers

Academic

Professional

Membership to a relevant professional body, where applicable

Experience

Area of expertise

Latest publications

3. Procedure for Recruitment and Selection of QA&S officers

Quality Assurance and Standards officers will be recruited and selected through an open process which will involve:

- a) A Call for experts in all areas will be made through print media (at least two daily newspapers) and on the Commission Website
- b) The Vetting Committee will then establish a database of all the respondents to the Call in their respective areas of expertise.
- c) The Vetting Committee will then review the submissions and shortlist (criteria to be developed) those to be invited for the training workshop.
- d) The Vetting Committee will then propose a training curriculum and facilitators for approval by the Commission (It is expected that the Commission will have developed the Curriculum).
- e) The Commission will organize and facilitate training for Quality Assurance and Standards officers.

- f) The Vetting Committee will identify and engage relevant experts on need basis and maintain an up-to-date database.
- g) Recruitment and selection of QA&S officers to be undertaken at least once every three years, if need be.