



Science for prosperity

NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

**NATIONAL GUIDELINES FOR REGISTRATION OF
RESEARCH INSTITUTIONS IN KENYA**

January 2020

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FOREWORD

The National Commission for Science, Technology and Innovation (NACOSTI) is established under the Science Technology and Innovation Act, 2013. The mandate of NACOSTI is to regulate and assure quality in the Science, Technology and Innovation Sector and advise the Government in matters related thereto. Among other functions of NACOSTI include develop priorities in scientific, technological and innovation activities in Kenya, registration and accreditation of research institutions, licensing of research and assure relevance and quality of research programmes in research institutions.

The Science, Technology and Innovation (Registration and Accreditation of Research Institutions) Regulations, 2014 provides for the procedure for registration of research institutions. As a first step towards registration of research institutions, the Commission constituted the Registration and Accreditation Committee as envisaged under paragraph 4 (1) of the Registration and Accreditation Regulations. This Committee spearheads the process of registration of the research institutions.

These Guidelines for Registration of Research Institutions were developed by NACOSTI in consultations with the stakeholders. It is therefore a reference document for the stakeholders and especially those expected to be registered as research institutions.

The Guidelines consists of three sections. Section one is an introduction which provides a background to the registration and accreditation process as outlined in the legal and regulatory framework. Section two outlines the registration and approval process. It outlines the six stages of registration process namely: pre-screening; examination and review of application; inspection; recommendation to the Director General; submission of recommendations to the Cabinet Secretary and the grant of a Certificate of Registration. Section three deals with the post registration activities.

The Guidelines also contains three annexes: the application forms for registration of a research institution: a check list for registration; and Guidelines for reviewing application. These annexes can be downloaded from NACOSTI website.

PROF. TOM MIGUN OGADA
CHAIRMAN, NACOSTI BOARD

ACKNOWLEDGEMENT

The Commission is committed to the regulation and quality assurance of research in the country as mandated by the ST&I Act 2013. It will provide the requisite guidance to the potential research institutions upon application.

The process of preparation of the National Guidelines for Registration of Research Institution in Kenya has been highly consultative involving key stakeholders in research.

I would like to thank the Board of NACOSTI for providing guidance and the requisite resources that facilitated the process of preparation of the Guidelines.

I would also like to thank the following members of the Registration and Accreditation Committee for spearheading the entire process: Dr. Stephen Karimi; Mr. Boniface Wanyama; Mr. Godfrey Kalerwa; Mr. Abdallah Bii; and Dr. Benson Mburu. The support of the following members of the secretariat to the to the Registration and Accreditation Committee is also acknowledge: Ms. Charity Musembi; Ms. Joan Chepleting and Mr. Steven Indimuli.

Finally, special thanks go to the stakeholders for their valuable that enriched the Guidelines.

DR. MOSES. K. RUGUTT, PhD, OGW
DIRECTOR GENERAL

ABBREVIATIONS AND ACRONYMS

| | | |
|---------|---|--|
| CS | - | Cabinet Secretary |
| DG | - | Director General |
| IP | - | Intellectual Property |
| IPR | - | Intellectual Property Rights |
| NACOSTI | - | National Commission for Science, Technology and Innovation |
| PI | - | Principal Investigator |
| RAC | - | Registration and Accreditation Committee |
| SOPs | - | Standard Operating Procedures |
| ST&I | - | Science, Technology and Innovation |

1.0 INTRODUCTION

The Science, Technology and Innovation Act No. 28 of 2013 (ST&I Act) under Sections 16 and 17 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 ST&I Act, Registration and Accreditation Committee (RAC) as specified in paragraph 4 of the Legal Notice No. 106, Science, Technology and Innovation (Registration and Accreditation of Research Institutions) Regulations, 2014 (Regulations) The objective of these Regulations is to uphold the standard of research in the country and secure public confidence in the national research system.

1.1 Registration and Accreditation Committee (RAC)

Pursuant to the above provisions, the Director General appointed the Registration and Accreditation Committee (RAC) on 15th June, 2016. The committee is made up of five (5) officers drawn from various directorates from NACOSTI. These are:

- a) Director, Research, Accreditation and Quality Assurance;
- b) Head, Registration, Accreditation and Quality Assurance;
- c) Head, Licensing, Monitoring and Evaluation;
- d) Representative from the Directorate of Scheduled Sciences; and
- e) Head, Legal Services.

This Registration, Accreditation and Quality Assurance Department serves as the Secretariat.

The Committee may co-opt up to two other persons from outside the institution based on their specialization.

1.2 Terms of Reference for the Registration and Accreditation Committee

- i. Develop a checklist for the requirements for registration and accreditation of research institutions.
- ii. Screen applications for registration or 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. Ensure that research institutions comply with the provisions of the ST&I Act and the Regulations.
- vi. Undertake any other task on registration and accreditation as may be assigned by NACOSTI.

1.3 Who is to be Registered?

According to Section 17 (1) of ST&I Act, any person intending to establish a research institution in Kenya shall make an application to NACOSTI in the prescribed manner for the grant of a Certificate of Registration as indicated in Annex 1.

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.

Research as per the Regulations refers to any systematic investigation or inquiry or interview that aims to collect data or information, academic or non-academic, in areas of humanities or pure sciences or engineering or technology or for purpose of marketing survey or opinion polls that will lead to new knowledge or information.

Section 21 of 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 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 off in the manner deemed appropriate by the Commission.*

2.0 REGISTRATION AND APPROVAL PROCESS

The processing of applications for registration of research institutions involves five stages as indicated in Table 1 below:

Table 1: Six Stages for Registration of Research Institutions

| Stage | Activity | Responsibility |
|-------|---------------------------------------|-------------------|
| 1 | Pre-screening | Secretariat |
| 2 | Examination and Review of Application | RAC |
| 3 | Inspection | RAC |
| 4 | Recommendations to DG | RAC |
| 5 | Submission of Recommendations to CS | Director General |
| 6 | Grant of Certificate | Cabinet Secretary |

The timeline for processing of applications is ninety (90) days.

2.1 Pre-screening

The process of pre-screening will be undertaken by the Secretariat of the Committee. Pre-screening will commence as soon as the application has been received by the Commission. The Commission shall acknowledge receipt of the application to the applicant within fourteen (14) days.

In case the application is determined to be incomplete, the Commission will communicate the determination to the applicant. 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 and forward the same to the Committee for further processing.

2.2 Examination and Review of Application

The review of the application will be undertaken by the Registration and Accreditation Committee as soon as the application has been referred to it by the Secretariat.

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

2.3 Inspection Visit

All the potential research institutions will be visited by a team of at least three members of the Registration and Accreditation 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 organisation;
 - b. Budget 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 physical facilities (offices, equipment and laboratories, libraries);
 - f. Inspection of infrastructural resources (internet, water, energy);
 - g. Inspection of information resources (library, databases);
 - h. Institutional policy documents (Human Resource; Research, intellectual property, SOPs);
 - i. Research reports and publications;
 - j. Strategic plans /business plan; and
 - k. Any other relevant documents for the application.

2.4 Recommendations to the Director General

The Committee will consider the report arising from the visit and make appropriate recommendations to the Director General.

2.5 Submission of Recommendations to Cabinet Secretary

The Director General will then consider the recommendations before submission to the Cabinet Secretary for concurrence. A Certificate of Registration will then be issued followed by a Gazette Notice on registration of the Research Institution

3.0 POST REGISTRATION ACTIVITIES

3.1 Compliance

One of the functions of RAC is to ensure that registered research institutions comply with the provisions of ST&I Act. Section 23(1) obligates the Commission to assess and evaluate registered research institutions at least once every three years. 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.

3.2 Monitoring and Evaluation

During monitoring and evaluation, NACOSTI 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.

3.3 Reporting

NACOSTI is mandated 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 continually. The Commission has developed a tool which the institutions are expected to provide data for the purposes of annual reporting on the registered research institutions in Kenya. The Institutions are expected to submit their annual reports by September of every year.

ANNEX 1

APPLICATION FORM FOR REGISTRATION OF A RESEARCH INSTITUTION

PART I (To be completed by the applicant)

(R.5 (1))

1. Institutional 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 for Research and Development

(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. Referees

(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 in another country? 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 2

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 (Bankers Cheque, Direct Bank Deposit) | |
| 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 3

Guidelines for Reviewing Applications

The Application form should be supported by the evidence indicated below

| No. | Item | Evidence |
|-----|---|---|
| 1 | Duly filled application form | <ul style="list-style-type: none">- All parts of the registration form must be filled. |
| 2 | Evidence of Payments of Registration fee | <ul style="list-style-type: none">- 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 | <ul style="list-style-type: none">- 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.- Strategic plan- IP Policy- Standard Operating Procedure Manuals |

| | | |
|----|---|---|
| 8 | Affiliations and collaborations, if Any | <ul style="list-style-type: none"> - 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. |