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LAWS OF KENYA

THE KENYA TRADE NETWORK AGENCY ORDER

NO. 6 OF 2011

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Kenya

State Corporations Act

Kenya Trade Network Agency Order Legal Notice 6 of 2011

Legislation as at 31 December 2022

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STATE CORPORATIONS ACT
KENYA TRADE NETWORK AGENCY ORDER
LEGAL NOTICE 6 OF 2011

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1. Citation

This Order may be cited as the Kenya Trade Network Agency Order.

2. Interpretation

In this Order, unless the context otherwise requires—

"Agency" means the Kenya Trade Network Agency established under paragraph 3;

"Board" means the Kenya Trade Network Agency Board established under paragraph 6;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to finance;

"Kenya Shippers Council" means the Kenya Shippers Council registered under the Societies Act (Cap. 108);

"National Electronic Single Window System" means the system described in paragraph 4; and

"Secretariat" means the National Single Window Project Secretariat existing in the Ministry of Finance.

3. Establishment of the Agency

- (1) There is hereby established an Agency to be known as the Kenya Trade Network Agency which shall be a body corporate in accordance with section 3 of the Act.
- (2) The Agency shall be the successor of the Secretariat.
- (3) The headquarters of the Agency shall be in Nairobi.

4. Objectives of the Agency

- (1) The principal objective of the Agency is to establish and manage a National Electronic Single Window System and to facilitate trade.
- (2) The National Electronic Single Window System shall serve as a single entry point for parties involved in trade and transport to—
 - (a) lodge documents electronically, for processing and approval; and
 - (b) make payments electronically for fees, levies, duties and taxes due to the Government, on goods imported or exported.

5. Functions of the Agency

The functions of the Agency shall be to—

- (a) implement, in consultation with the Cabinet Secretary, policies relating to the National Electronic Single Window System;
- (b) integrate electronic systems of public and private entities involved in receipting, processing and approving documents relating to international trade transactions;
- (c) develop, manage, and promote interchange of electronic data for facilitation of trade;
- (d) undertake and co-ordinate research and surveys in electronic commerce aimed at simplifying and harmonizing trade documentation;
- (e) maintain an electronic database of all imported and exported goods and services and the levies, fees, duties and taxes charged on imported or exported goods and services;
- (f) collect trade statistics;
- (g) plan, develop, monitor and evaluate training programmes for all stakeholders to ensure conformity with international best practices; and
- (h) perform such other functions related to trade facilitation and other such duties as the Cabinet Secretary may, from time to time, assign to the Agency.

6. Board of Directors

- (1) There shall be a Board of Directors of the Agency which shall consist of—
 - (a) a non-executive Chairman appointed by the President;
 - (b) the Chief Executive Officer of the Agency appointed under paragraph (9);
 - (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance;
 - (d) the Principal Secretary in the Ministry for the time being responsible for matters relating to trade;
 - (e) the Principal Secretary in the Ministry for the time being responsible for matters relating to transport;
 - (f) a representative from the Kenya Shippers Council; and
 - (g) three other members, not being public officers, appointed by the Cabinet Secretary by virtue of their knowledge and experience in matters relating to—
 - (i) trade logistics;
 - (ii) information communication technology; or
 - (iii) finance or administration.
- (2) The Chairman and members of the Board, other than *ex officio* members shall hold office for a term of three years and shall be eligible for re-appointment for one further term.

7. Powers of the Board

- (1) The Board shall, under the general direction of the Cabinet Secretary, be responsible for the administration, management and development of the Agency.

- (2) The Board shall have all the powers necessary for the performance of its functions under this Order, and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—
- (a) administer the assets and funds of the Agency in such manner and for such purposes as shall promote the best interests of the Agency;
 - (b) receive grants, donations or other moneys on behalf of the Agency;
 - (c) enter into association with such other institutions, persons, bodies or organizations within or outside Kenya as the Board may consider desirable or appropriate in furtherance of the purposes for which the Agency is established;
 - (d) impose fees and charges as may be approved by the Cabinet Secretary, from time to time, for the use of any services provided by the Agency.

8. Delegation by the Board

The Board may, by resolution either generally or in any particular case, delegate to a committee of the Board, or to any member, officer, employee or agent of the Agency the exercise of any powers or the performance of any of the functions or duties the Agency is authorized by this Order to exercise or perform.

9. Chief executive officer

- (1) There shall be a Chief Executive Officer of the Agency appointed by the Board, who shall be the secretary to the Board and who shall be responsible for the day to day operations and administration of the Agency.
- (2) A person shall qualify for appointment as a Chief Executive Officer if that person—
 - (a) is a holder of at least an advanced relevant degree from a recognized university; and
 - (b) has at least ten years working experience at a senior management level.
- (3) The Chief Executive Officer shall serve on such terms and conditions as specified in the instrument of appointment.

10. Staff

The Agency may employ such other officers, staff or agents as it considers necessary for the discharge of its functions and duties under this Order, upon such terms and conditions as the Cabinet Secretary may, in consultation with the Board determine.

11. Funds of the Agency

The funds of the Agency shall consist of—

- (a) such moneys as may be appropriated by Parliament;
- (b) moneys that may accrue or vest in the Agency in the course of the performance of its functions under this Order; and
- (c) such grants and other donations as may be made to the Agency.

12. Financial Year

The financial year of the Agency shall be the period of twelve months ending on the thirtieth June in each year.

13. Annual Estimates

- (1) The Board shall, at least three months before the commencement of each financial year, cause to be prepared estimates of revenue and expenditure of the Agency for that financial year.
- (2) The annual estimates shall make provision for all the estimated expenditure of the Agency for the financial year concerned, and in particular, shall provide for the—
 - (a) payment of salaries, allowances and other charges in respect of the Board members and the staff of the Agency;
 - (b) payment of pensions, gratuities and other charges in respect to retirement benefits to the staff of the Agency; and
 - (c) proper maintenance, repair, and replacement of the equipment and other movable property of the Agency.
- (3) The Board shall approve the annual estimates 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 Cabinet Secretary for approval.
- (4) No expenditure shall be incurred for the purposes of the Agency except in accordance with the annual estimates approved under subparagraph (3) or with the authorization of the Board given with prior written approval of the Cabinet Secretary.

14. Accounts and Audit

- (1) The Board shall cause to be kept all proper books and other records of accounts of income, expenditure, assets and liabilities of the Agency.
- (2) Within a period of three months after the end of each financial year, the Board shall submit to the controller and Auditor-General the accounts of the Agency, in respect of that year together with—
 - (a) a statement of income and expenditure during that financial year; and
 - (b) a statement of assets and liabilities of the Agency on the last day of that financial year.

15. Protection from personal liability

No matter or thing done by the Chairperson or any other member of the Board or any officer, employee or agent of the Agency shall, if the matter or thing is done in good faith for the purposes of executing any provisions of this Order, render the Chairman, member, officer, employee or agent or any person acting under the direction of those persons personally liable to any action, claim or demand.

16. Liability for damages

The provisions of this Order shall not relieve the Agency of the liability to pay compensation or damages to any person for any injury to that person or his interests caused by the exercise of any power conferred by this Order or by failure, whether wholly or partially, of any works.