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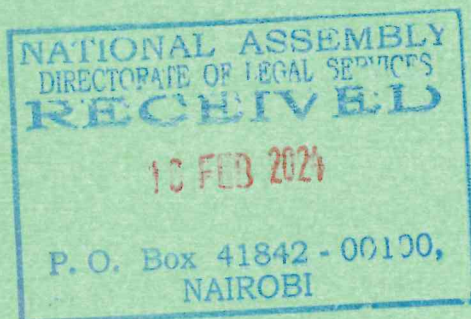
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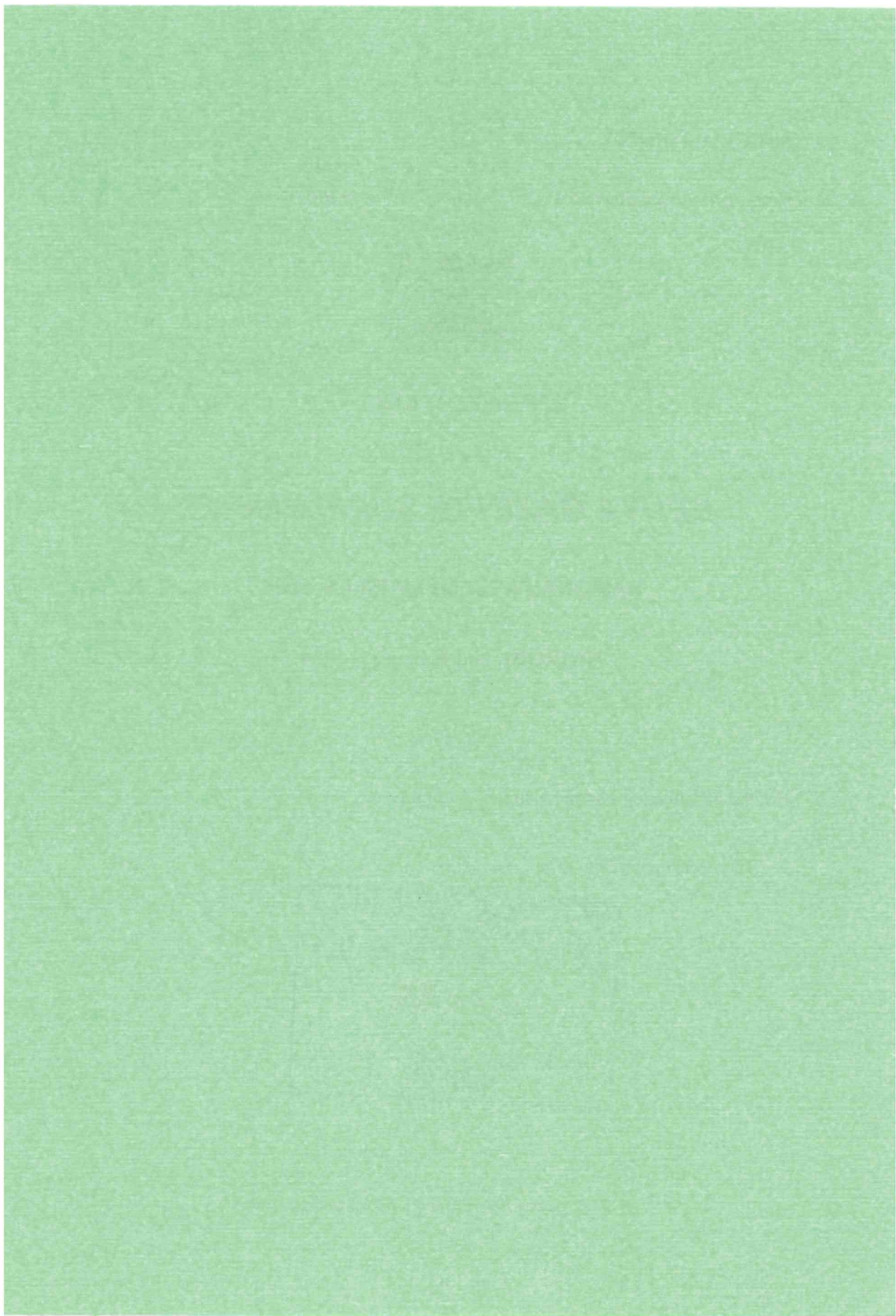
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FIRST SCHEDULE—CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD.

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THE TECHNOLIS BILL, 2024**A Bill for**

AN ACT of Parliament to establish the Technopolis Development Authority; to provide a framework for the development and management of Technopolises, and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Technopolis Act, 2024. Short title.

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

“Authority” means the Technopolis Development Authority established under section 4;

“Board” means the Board of the Technopolis Development Authority established under section 7;

“Buffer Zone” means a defined area surrounding a Technopolis that is subject to controlled land use;

“Cabinet Secretary” means the Cabinet Secretary in the Ministry responsible for matters relating to information communication and technology;

“former Authority” means the Konza Technopolis Development Authority established under the Konza Technopolis Development Authority Order, 2012; L.N. 23 of 2012

“high technology” means the most advanced and sophisticated technology currently available for the organisation of factors of production;

“Konza Technopolis” means all that parcel of land known as Land Reference Number 9918/6 measuring 2023.6 hectares or thereabouts;

“licensee” means any person who at the material time holds a licence or other authorization, issued by the Authority;

“relevant government entity” means a government entity that is responsible for regulatory or service provision functions in a Technopolis;

“Technopolis” means a designated geographical area established to achieve the objects of the Act and includes the Konza Technopolis; and

“users” includes service providers, operators, residents and any other person that utilizes the facilities or services provided within a Technopolis.

3. The objects of this Act are to—

Objects of the Act.

- (a) provide for the establishment, development and management of a Technopolis;
- (b) create a conducive environment to attract and retain world-class talent by providing state-of-the-art infrastructure;
- (c) position a Technopolis as a premier destination for technology-driven businesses, research institutions and innovation ecosystems;
- (d) provide for the adoption of sustainable environmental practices and technologies within a Technopolis;
- (e) offer incentives and other forms of government support to encourage investments in a Technopolis; and
- (f) support the development of Kenya’s knowledge-based economy.

PART II—THE TECHNOPOLIS DEVELOPMENT AUTHORITY

4. (1) There is established the Technopolis Development Authority.

Establishment of the Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal, and shall be capable in its corporate name of—

- (a) suing and being sued;
- (b) owning, taking, purchasing or otherwise acquiring, holding, charging and disposing of movable or immovable property;
- (c) entering into contracts;
- (d) receiving, borrowing and lending money; and
- (e) doing or performing all such other things or acts for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

(3) The Authority shall be a successor to the former Authority existing immediately before the commencement of this Act.

5. (1) The Authority shall—

Functions of the
Authority.

- (a) plan, develop and manage a Technopolis;
- (b) allocate land to investors in a Technopolis;
- (c) establish governance structures for a Technopolis;
- (d) establish and manage science parks, information communication and technology parks and innovation centres;
- (e) facilitate realization of Kenya's digital economy by use of emerging technologies to support businesses within a Technopolis;
- (f) host strategic government infrastructure powered by emerging technologies including data centres, research centres and centers of excellence;
- (g) promote technology oriented creative industries;
- (h) coordinate the knowledge innovation ecosystem in a Technopolis in partnership with research institutions and innovation centres;
- (i) promote and market Technopolises to investors and users;
- (j) coordinate and administer incentives provided for operating in a Technopolis;
- (k) undertake investment in a Technopolis either by itself or through partnerships;
- (l) administer a one-stop-shop for provision of government services required to operate in a Technopolis;
- (m) facilitate research and implementation of innovation programmes within a Technopolis; and
- (n) any other function that may be assigned by the Cabinet Secretary or any written law.

6. The Authority shall have all the powers necessary for the proper performance of its functions under this Act including the power to—

Powers of the
Authority.

- (a) formulate administrative by-laws and guidelines for the sustainable development and management of a Technopolis;
- (b) regulate land use in a Technopolis;
- (c) mobilise funds for the development of a Technopolis;
- (d) approve development applications, issue construction permits and licence users within a Technopolis;
- (e) charge fees and levies for proper carrying out of functions under the Act;
- (f) enter, inspect and search any premises to enforce the Act;
- (g) establish a special purpose vehicle as may be necessary for the discharge of its functions; and
- (h) grant such exemptions of fees, levies or any other charges imposed under this Act.

7. (1) There shall be a Board of the Authority Board of the Authority. comprising—

- (a) a Chairperson appointed by the President;
- (b) the Principal Secretary of the ministry responsible for matters relating to information communication and technology or a designated representative;
- (c) the Principal Secretary for the National Treasury or a designated representative;
- (d) the Attorney General or a designated representative;
- (e) five persons, not being public officers, appointed by the Cabinet Secretary; and
- (f) the Chief Executive Officer who shall be an *ex officio* member.

(2) A person shall qualify for appointment as the Chairperson if the person—

- (a) is a citizen of Kenya;
- (b) holds an undergraduate degree from a university recognized in Kenya;

(c) has at least fifteen years' experience in leadership and management; and

(d) meets the requirements of Chapter Six of the Constitution.

(3) A person shall be qualified for appointment as a member of the Board under subsection (1)(e) if the person—

(a) holds an undergraduate degree from a university recognized in Kenya;

(b) possesses at least ten years' experience in engineering, architecture, physical planning, information communication and technology, finance, law, social sciences or any other relevant field; and

(c) meets the requirements of Chapter Six of the Constitution.

(4) The Chairperson and the members of the Board shall hold office for a term of three years and shall be eligible for re-appointment for one further term.

(5) The members of the Board shall be appointed at different dates so that the respective expiry dates of their terms of office shall fall on different dates.

8. (1) A member of the Board shall cease to hold office—

Vacancy in the Board.

(a) upon the expiry of their term of appointment;

(b) upon resignation;

(c) if absent without the permission of the Chairperson from three consecutive meetings of the Board;

(d) if convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine;

(e) if adjudged bankrupt; and

(f) if incapacitated by prolonged physical or mental illness and incapable of discharging their duties.

(2) The members of the Board shall be paid such remuneration and allowances as determined by the Cabinet Secretary on the advice of the Salaries and Remuneration Commission.

9. (1) The Board shall have all powers necessary for the proper performance of the functions of the Board under this Act.

Powers of the Board.

(2) Without prejudice to the generality of subsection (1), the Board shall have power to—

- (a) control, supervise and administer the assets of the Authority;
- (b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Authority;
- (c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;
- (d) open such bank accounts for the funds of the Authority as may be necessary; and
- (e) invest any of the funds of the Authority not immediately required for its purposes.

10. (1) The conduct of the business and affairs of the Board shall be as set out in the First Schedule.

Conduct of business and affairs of the Board.

(2) The Board may appoint such committees, as it may deem necessary, for efficient discharge of its functions.

(3) Subject to the First Schedule, the Board may determine its own procedure and the procedure for its committees.

11. (1) The common seal of the Authority shall be kept in the custody of the Corporation Secretary.

Seal and execution of documents.

(2) The common seal shall not be affixed to any instrument or document except as may be authorized by the Board.

(3) The affixing of the common seal of the Authority shall be authenticated by the signature of the Chairperson and the Chief Executive Officer.

(4) A document that is not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the Chairperson, Chief Executive Officer or any other person authorized in writing by the Board for that purpose.

(5) Despite subsection (3), in the event that either the Chairperson or the Chief Executive Officer is absent, the Board shall nominate one member of the Board to authenticate the seal on behalf of the Chairperson or Chief Executive Officer.

(6) The common seal of the Authority when affixed to a document and duly authenticated shall be judicially noticed and unless the contrary is proved, any necessary order or authorization by the Board under this section shall be presumed to have been duly given.

12. (1) The Board may, in writing, delegate the exercise of any of the powers or the performance of any of the functions of the Board under this Act other than its powers to borrow money to—

Delegation of
functions and
powers.

- (a) the Chairperson;
- (b) the Chief Executive Officer;
- (c) a committee of the Board; or
- (d) any other person that the Board may determine.

(2) Any function or power delegated under this section shall be performed and exercised in the name and on behalf of the Authority.

13. (1) There shall be Chief Executive Officer of the Authority who shall be appointed by the Cabinet Secretary on the recommendation of the Board.

Chief Executive
Officer.

(2) The Chief Executive Officer shall be responsible for—

- (a) carrying out the decisions of the Board;
- (b) management of the day-to-day business of the Authority;
- (c) general control of the officers and staff of the Authority;
- (d) preparation of strategies, policies and programs, for the consideration of the Board;
- (e) the execution of the strategies, programs and policies of the Authority; and
- (f) the performance of any other function incidental to the functions of the Authority as may be assigned by the Board.

(3) The Chief Executive Officer shall be appointed for a term of four years and shall be eligible for re-appointment for one further term.

(4) A person shall be qualified for appointment as Chief Executive Officer if the person—

- (a) holds a postgraduate degree from a university recognized in Kenya;
- (b) has at least ten years working experience in a senior position in matters relating to engineering, architecture, physical planning, information and communications technology, finance, law, social sciences or any other relevant field; and

(c) meets the requirements of Chapter Six of the Constitution.

14. (1) There shall be a Corporation Secretary appointed by the Board. Corporation Secretary.

(2) The Corporation Secretary shall—

- (a) be the secretary to the Board;
- (b) record and keep minutes and other records of the Board;
- (c) keep custody of the seal of the Authority; and
- (d) carry out such other functions as the Board or Chief Executive Officer may assign.

15. The Board shall appoint such number of staff as may be necessary for the efficient discharge of the functions of the Authority. Staff.

PART III—ESTABLISHMENT OF A TECHNOPOLIS

16. (1) The Cabinet Secretary, upon recommendation by the Authority, may establish a Technopolis by a notice in the Kenya *Gazette*. Establishment of a Technopolis.

(2) A notice establishing a Technopolis shall define the—

- (a) geographical area of a Technopolis; and
- (b) Buffer Zone of the Technopolis, if any.

17. A Technopolis shall— Features of a Technopolis.

- (a) be equipped with state-of-the-art integrated infrastructure and facilities;
- (b) prioritise and promote the exploration and adoption of emerging technologies and disruptive innovations;
- (c) intergrate sustainable practices, green technologies and resource efficient solutions into its operations and infrastructure; and
- (d) avail a variety of resources and support services including investment opportunities, mentorship programs, networking events and funding.

18. The Authority may collaborate with a relevant county government or any other government entity to—

Buffer Zone of a Technopolis.

- (a) develop the physical and land use development plans of a Buffer Zone; and
- (b) ensure that development within the Buffer Zone adheres to the physical and land use development plans.

19. (1) The Authority may develop and implement a high technology innovation ecosystem.

Development of high technology ecosystem.

(2) The high technology innovation ecosystem shall comprise of a network of innovators, institutions and innovation hubs.

(3) In developing the high technology innovation ecosystem, the Authority shall—

- (a) identify strategic areas of innovation;
- (b) cause the creation of specialized institutions in high technology in a Technopolis;
- (c) establish a database of innovations in high technology in a Technopolis;
- (d) adopt international best practices on high technology innovation standards; and
- (e) facilitate the commercialization of innovations in a Technopolis.

20. (1) The Authority shall administer a one-stop-shop to facilitate the provision of government services and regulatory requirements to operate in a Technopolis.

One-stop-shop.

(2) The one- stop- shop shall facilitate—

- (a) the registration and licensing of businesses;
- (b) the provision of services related to immigration for expatriates;
- (c) the processing of permits and approvals;
- (d) the administration of requirements relating to tax and customs;
- (e) compliance with labour obligations; and
- (f) any other service required to operate in a Technopolis.

21. (1) The Authority may establish and operate a Technopolis small enterprise support centre.

Technopolis small enterprise support centre.

(2) The Technopolis small enterprise support centre may—

- (a) assist small enterprises with business support; and
- (b) provide technical assistance for new and young entrepreneurs.

PART IV—TECHNOPOLIS DEVELOPMENT CONTROL

22. The Authority shall have power within a Technopolis to—

Power to undertake development control.

- (a) regulate zoning including land use and density of development;
- (b) ensure the proper execution and implementation of approved physical and land use development plans;
- (c) reserve and maintain all the land planned for open spaces, parks, urban forests and green belts in accordance with the approved physical and land use development plans;
- (d) control the subdivision of land;
- (e) approve development applications and grant development permits; and
- (f) control the use and development of land and buildings within a Technopolis.

23. (1) All development, improvements to any infrastructure, or related works within a Technopolis shall comply with a Technopolis physical and land use development plan and development codes.

Development approval.

(2) A person shall not carry out development, improvements to any infrastructure, or related works within a Technopolis without the approval of the Authority.

24. (1) A person who seeks to carry out any development, improvements to any infrastructure or related works within a Technopolis shall apply for a development permit from the Authority.

Application and approval of a development permit.

(2) An application under subsection (1) shall be—

(a) in the prescribed form;

(b) accompanied by—

(i) designs, plans, or any other document as may be required; and

(ii) the prescribed fee.

(3) All development plans and designs for any works or improvements, and any related works shall be prepared by a licensed professional.

(4) The Authority, after considering the application may grant a development permit subject to such conditions as the Authority considers necessary.

(5) The Authority may refuse to grant a development permit if the proposed development does not comply with the prescribed development code.

25. (1) A person issued with a development permit under this Part shall undertake such development in accordance with the conditions of the permit and the relevant development code.

Development compliance.

(2) Where a development does not comply with the development permit or a development code for a Technopolis, the Authority may—

(a) issue a stop work order to a person directing any work or activity to cease until the non-compliance is corrected;

- (b) require the alteration of the structure;
- (c) suspend the development permit; or
- (d) revoke the development permit.

(3) Where a development permit has been revoked, the Authority may require—

- (a) the discontinuance of any use of land or the construction of the structure;
- (b) demolition of the structure or works at the owner's expense; and
- (c) restoration of the land to its original condition or as near to its original condition within ninety days at the cost of the developer.

26. Any party aggrieved by the decision of the Authority under this Part, may seek a review by the Authority or appeal to the Tribunal in accordance with this Act.

Review and appeal.

27. (1) A person who—

Offence for non-compliance.

- (a) uses or permits any land or building to be used in contravention of any condition imposed in the development permit; or
- (b) commences or carries out a development where —
 - (i) a development permit has not been issued or has been revoked;
 - (ii) a development permit has been modified and the development does not comply with the modifications; or
 - (iii) the building works are inconsistent with the designs or plans approved by the Authority, commits an offence.

(2) A person who commits an offence under subsection (1) shall, upon conviction, be liable to a fine not exceeding five million or to imprisonment for a term not exceeding five years or both.

PART V—LICENSING PROVISIONS

28. (1) A person may apply for a licence to operate or carry out business activities in a Technopolis, unless exempted under subsection (2).

Licence to operate in a Technopolis.

(2) The Authority may grant an exemption under this section to—

- (a) a start-up focusing on technology in its initial operational phase;
- (b) a person undertaking collaborative or research partnership with the Authority;
- (c) any other person as may be provided for in the Regulations.

(3) The Authority may—

- (a) provide the conditions for granting an exemption; and
- (b) review or rescind an exemption granted.

(4) A person who operates or carries out a business activity within a Technopolis without a licence or an exemption under this section commits an offence.

(5) A person who commits an offence under this section shall, upon conviction, be liable to a fine not exceeding five million or to imprisonment for a term not exceeding five years or both.

29. (1) A person shall apply to the Authority for a licence to operate or conduct business in a Technopolis.

Application and
issue of licence.

(2) The Authority may —

- (a) issue different classes of licences; and
- (b) specify different validity periods for each class.

(3) An application for a licence shall be—

- (a) in a prescribed form; and
- (b) accompanied by a fee or any other particulars as may be prescribed.

(4) Upon consideration of the application and where the applicant meets the licensing requirements, the Authority may—

- (a) grant a licence; or
- (b) grant a licence subject to conditions.

(5) A licence issued under this section shall specify —

- (a) the validity period;
- (b) the business to be carried on under the licence; and
- (c) conditions applicable to the licence.

30. (1) The Authority may refuse to issue a licence where the applicant—

Refusal to issue a licence.

- (a) has submitted false or misleading information in the application;
- (b) does not meet the requirements for licensing prescribed under this Act or under any other written law; or
- (c) fails to provide any other information required to grant a licence.

(2) The Authority shall notify the applicant of its decision to refuse the application.

31. (1) A licensee shall apply to the Authority for the renewal of the licence before the expiry of the validity period specified in the licence.

Renewal of a licence.

(2) An application for renewal shall be accompanied by the prescribed renewal fee.

(3) The Authority shall consider an application for renewal and may, if satisfied that the application meets the requirements, renew the licence.

(4) Where a licensee does not meet the requirements for renewal, the application shall be rejected.

32. (1) The Authority may suspend a licence, for such a period as the Authority may specify, if a licensee—

Suspension and revocation of a licence.

- (a) has contravened any of the conditions of the licence;
- (b) fails to comply with a written direction of the Authority; or
- (c) fails to comply with the provisions of this Act.

(2) The Authority may revoke a licence, if a licensee—

- (a) ceases to carry on the business with respect to which the licence was issued;

- (b) is wound up, liquidated or otherwise dissolved;
- (c) requests the Authority in writing to revoke the licence; or
- (d) has not remedied any reasons for suspension under subsection (1).

33. (1) The Authority shall, before suspending a licence, issue a compliance notice to a licensee.

Notice of non-compliance.

(2) A compliance notice issued under subsection (1) shall—

- (a) be in writing; and
- (b) notify the licensee of the identified breach and the steps required to remedy the breach.

(3) The Authority shall lift the suspension where the licensee has remedied the breach within the specified period.

34. (1) The Authority may vary the conditions upon which a licence was issued.

Variation of conditions of a licence.

(2) The Authority shall, before varying the conditions attached to a licence, issue a notice in writing of the intention to vary.

(3) A notice under subsection (2) shall—

- (a) specify the variation intended to be made with respect to the licence;
- (b) set out the reasons for such variation;
- (c) specify the time within which the variation shall take effect; and
- (d) allow the licensee to submit any representations on the variation; and
- (e) set out such further information as the Authority may consider necessary.

35. (1) A person who is aggrieved by a decision of the Authority under this Part may request the Authority for review of the decision.

Review process.

(2) The Authority shall consider, determine and communicate its decision for a request for review made

under subsection (1) within thirty days of receipt of the request.

36. (1) The Authority shall establish and maintain a register of licensees operating in a Technopolis.

Register of licensees.

(2) A licensee shall notify the Authority in writing within twenty-one days of—

(a) any change of registered particulars of the licensee; or

(b) cessation of business.

PART VI—ENFORCEMENT PROVISIONS

37. (1) The Authority may undertake inspections in a Technopolis to ensure compliance with development control and licensing requirements.

Inspections and enforcement.

(2) If, upon inspection, the Authority determines that a person has failed to comply with any provision of this Act, the Authority may issue a compliance order that requires the person to take the necessary steps to comply within a specified period.

(3) If the person fails to comply with the order issued under subsection (2), the Authority may impose a necessary sanction as specified under section 38.

38. (1) Where a person has violated or breached any provision of this Act, the Authority may impose a sanction that is proportional to the severity of the violation or breach.

Enforcement sanctions.

(2) A sanction issued may include—

(a) issuing a written reprimand with a defined period of time for the person to correct the violation or breach;

(b) directing a licensee to refrain from engaging in a specified activity;

(c) levying administrative penalties and fines;

(d) suspending a licence or permit; or

(e) revoking a licence, permit, certificate or any other approval.

(3) The administrative penalties and fines imposed under this section shall be paid to the Authority.

39. The Authority shall, before taking any enforcement action against any person under this Act, comply with the provisions of the Fair Administrative Action Act, 2015.

Fair
Administration.

No. 4 of 2015.

40. The Authority may coordinate its investigation and enforcement function with any relevant government entity.

Coordination on
enforcement.

PART VII—FINANCIAL PROVISIONS

41. (1) The funds of the Authority shall consist of—

Funds of the
Authority.

- (a) such monies as may be appropriated by National Assembly;
- (b) such monies as may accrue or vest in the Authority in the course of the exercise of its powers or the performance of its functions;
- (c) monies borrowed by or lent to the Authority;
- (d) grants, donations or gifts to the Authority; and
- (e) any monies accruing to the Authority from any other source.

(2) Subject to the provisions of this Act or any other law, the Authority shall have the power to use the funds of the Authority in its discretion to carry out its objectives and functions.

42. (1) The Board shall, at least three months before the commencement of each financial year, cause to be prepared the estimates of the revenue and expenditure Authority for that financial year.

Annual estimates.

(2) The annual estimates shall make provisions for all estimated expenditure of the Authority for the financial year concerned and in particular shall provide for the—

- (a) payment of salaries, allowances and other charges in respect of staff of the Authority;
- (b) payment of pensions, gratuities and other charges in respect of the former staff of the Authority;
- (c) proper maintenance of the buildings and grounds of the Authority;
- (d) maintenance, repair and replacement of the equipment and other property of the Authority;

- (e) payment of allowances of 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 and equipment or in respect of such matter as the Board may deem fit.

43. (1) The Board shall cause to be kept proper books and records of account of income, expenditure, assets and liabilities of the Authority.

Accounts and audit.

(2) Within a period of three months from the end of each financial year, the Authority shall submit to the Auditor-General the accounts of the Authority together with—

- (a) a statement of the income and expenditure of the Authority during that year; and
- (b) a statement of the assets and liabilities of the Authority as at the last day of that year.

(3) The accounts of the Authority shall be audited and reported in accordance with the Public Audit Act, 2015.

No. 34 of 2015.

44. The Board shall defray out of the funds of the Authority for any financial year the expenditure of the Authority, including—

Expenditure.

- (a) the remuneration and allowances of the Board;
- (b) the salaries, remuneration, fees and allowances, pensions and gratuities of the staff of the Authority;
- (c) all expenses related to the management of the Authority; and
- (d) any other related expenditure;

45. The Authority shall, three months after the end of each financial year, prepare and submit to the Cabinet Secretary an annual report relating to the operations of the Authority.

Annual reports.

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

Financial year.

PART VIII—THE TECHNOLIS DISPUTE RESOLUTION TRIBUNAL

47. (1) There is established the Technopolis Dispute Resolution Tribunal.

Establishment of
Technopolis
Dispute
Resolution
Tribunal.

(2) The Tribunal shall consist of members appointed by the Judicial Service Commission comprising —

- (a) a chairperson who is a person qualified to be a judge of the High Court;
- (b) an advocate of the High Court of Kenya with at least ten years' experience; and
- (c) five persons who have demonstrated competence in, engineering, urban development, property management, information technology or finance.

(3) A person shall be qualified to be appointed as a chairperson or a member of the Tribunal if that person has satisfied the requirements of Chapter Six of the Constitution.

(4) There shall be a deputy registrar to the Tribunal who shall be deployed to the Tribunal by the Judicial Service Commission.

48. (1) The Chairperson and members of the Tribunal shall hold office for a term of three years and shall be eligible to be appointed for one further term.

Term of office.

(2) The chairperson and members of the Tribunal shall serve on a part time basis.

49. A person who is appointed as a member of the Tribunal shall, before assuming the duties of the office, take oath of office in the manner set out in the Second Schedule.

Oath of Office.

50. The Chairperson and the members of the Tribunal shall be disciplined or removed from office on grounds and in accordance with the provisions of the Third Schedule to the Judicial Service Commission Act, 2011.

Discipline and
removal of
members.

No. 1 of 2011

51. (1) The Judicial Service Commission shall appoint such staff of the Tribunal as may be necessary for the proper functioning of the Tribunal and in accordance with the Judicial Service Act, 2011.

Staff of the
Tribunal.

No. 1 of 2011.

(2) Without prejudice to subsection (1), the Judicial Service Commission may second staff to the Tribunal as may be necessary for the performance of the functions of the Tribunal.

52. The expenses of the Tribunal shall be paid out of the Judiciary Fund.

Expenses of the Tribunal.

53. (1) The chairperson of the Tribunal shall be responsible for ensuring the orderly and expeditious discharge of the business of the Tribunal.

Arrangement of business.

(2) Without prejudice to the generality of subsection (1), the chairperson may give directions relating to the —

- (a) arrangement of the business of Tribunal;
- (b) the places and time at which the Tribunal may sit generally; and
- (c) the procedure of the Tribunal at a particular place.

54. (1) For the purposes of hearing and determining any matter before the Tribunal, three members shall form a quorum

Quorum.

(2) Where the chairperson is absent, the members shall designate one of the members to preside over a matter.

55. The Tribunal shall have jurisdiction to hear and determine appeals from a decision of the Authority in relation to licensing, issuance of development permits and an enforcement decision made under the Act.

Jurisdiction of the Tribunal.

56. Any person aggrieved by a decision of the Authority in relation to licensing, issuance of development permit or enforcement decisions under the Act may appeal to the Tribunal, within thirty days from the date on which the decision was communicated to the person.

Appeals to the Tribunal.

57 (1) The Tribunal shall regulate its own procedure in hearing and determining appeals.

Procedure before the Tribunal.
Cap 80
Cap 21

(2) In exercise of its jurisdiction, the Tribunal shall not be bound by the strict rules of the Evidence Act and the Civil Procedure Act.

58.(1) The Tribunal may—

Powers of the Tribunal.

- (a) by notice, summon any person to appear before it

- (i) to give evidence; or
- (ii) to produce a document or things specified in the summons;
- (b) administer an oath or solemn affirmation;
- (c) question any person or have that person questioned; and
- (d) retain a document produced in the course of the proceedings.

(2) For the hearing of proceedings before the Tribunal, the appellant may appear in person or be represented by a professional with expertise on the relevant matter or an advocate.

59 (1) Upon hearing an appeal, the Tribunal may—

Decisions of the Tribunal.

- (a) confirm or set aside the order or decision of the Authority in question; or
- (b) make such other order, as it may deem just.

(2) A decision of the Tribunal shall be by a majority vote of the members present.

(3) A decision of the Tribunal shall be enforced in the same manner as a decision of a Magistrates Court.

60. Any party to proceedings before the Tribunal who is dissatisfied with a decision of the Tribunal may, within thirty days of the decision, appeal to the High Court.

Appeal against decision of the Tribunal.

61. The Chief Justice may make rules governing the practice and procedure of the Tribunal.

Rules of the Tribunal.

PART IX—GENERAL PROVISIONS

62. (1) An incentive granted for special economic zone under the Special Economic Zones Act, 2015 or any other written law shall apply to the Authority and any person in a Technopolis.

Incentives.
No. 16 of 2015.

(2) In addition to the incentives under subsection (1), the Cabinet Secretary may, by notice in the *gazette*, grant incentives to investors operating in a Technopolis.

63. (1) Any person who—

Offences.

- (a) knowingly provides false information to the Authority in making an application or during enforcement;

(b) fails to comply with a directive of the Authority within the specified period; or

(c) obstructs the Authority in exercise of its functions, commits an offence and shall be liable on conviction to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two years or both.

64. A person who commits an offence under this Act, shall, on conviction, be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years or both.

General penalty.

PART X—PROVISIONS ON DELEGATED POWERS

65. (1) The Cabinet Secretary may make such regulations as may be necessary for the better carrying into effect the provisions of this Act.

Regulations.

(2) Without prejudice to the generality of the foregoing, the regulations made under this section may provide for—

- (a) planning, development control and governance of a Technopolis;
- (b) complaint procedures and general enforcement of the Act;
- (c) levying of fees, costs and any other charges; and
- (d) any other matter to give full effect to the provisions of the Act.

PART XI—TRANSITIONAL AND SAVING PROVISIONS

66. (1) In this Part, “former Authority” means the Konza Technopolis Development Authority established under the Konza Technopolis Development Authority Order, 2012.

Transitional and saving.

L.N. 23 of 2012.

(2) On the commencement date of this Act—

- (a) all contracts, rights, duties, obligations, assets and liabilities of the former Authority shall vest to the Authority;
- (b) any licence, permit or any approval given by the former Authority in exercise of its functions shall

- be taken to have been issued by the Authority under this Act;
- (c) all actions, suits or legal proceedings pending by or against the former Authority shall be carried on or prosecuted by or against the Authority;
 - (d) a member of the Board of the former Authority in office, shall continue to be a member of the Board of the Authority as though appointed under this Act and shall serve the remainder of their term;
 - (e) the Chief Executive Officer of the former Authority in office, shall continue to serve as the Chief Executive Officer of the Authority as though appointed in accordance with this Act and shall serve the remainder of their term;
 - (f) the staff of the former Authority shall transition to be the staff of the Authority on the same terms and conditions of service; and
 - (g) the pension scheme established by the former Authority shall be the pension scheme of the Authority.

67. The Konza Technopolis Development Authority Revocation of
L.N. 23 of 2012
Order, 2012 is revoked.

FIRST SCHEDULE

(s. 10)

CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

1. (1) The Board shall meet not less than four times in every financial year and not more than three months shall lapse between the date of one meeting and the date of the next meeting. Meetings.

(2) Notwithstanding subparagraph (1), the Chairperson may, on their own motion, or upon request in writing by at least three members of the Board, convene a special meeting of the Board at any time where he deems it expedient for the transaction of the business of the Board.

(3) The quorum for the conduct of the business of the Board shall be two thirds of the total members of the Board.

(4) Unless at least two thirds of the members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.

(5) The Chairperson shall preside at every meeting of the Board but the members present shall elect one of their numbers to preside whenever the Chairperson is absent, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

(6) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(7) A written resolution approved by two thirds of the members of the Board shall constitute a valid resolution of the Authority as if it were duly passed at a validly constituted meeting of the Board.

(8) Subject to subparagraph (3), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

2. (1) The Board may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine. Committees.

(2) The Board shall appoint the chairperson of a committee established under subparagraph (a) from amongst its members.

(3) The Board may where it deems appropriate, co-opt any person to attend the deliberations of any of its committees.

(4) All decisions by the committees appointed under subparagraph (1) shall be subject to approval by the Board.

3. (1) A member of the Board who has an interest in any contract, or other matter present at a meeting of the Board shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter. Disclosure of Interest.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Board who contravenes subparagraph (1) commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings and removal from the Board by the appointing authority.

4. The Board shall cause minutes of all resolutions and proceedings of meetings of the Board and the Board committees to be entered in books kept for that purpose. Minutes.

SECOND SCHEDULE

(s.49)

OATH/AFFIRMATION OF OFFICE BY MEMBERS OF THE TRIBUNAL.

I,, having been appointed the Chairperson/ member of the Tribunal, do swear/affirm that I will be true and faithful to the best of my ability and power in the execution of the trust committed to my charge and inspection in the services of the Tribunal.

Name.....

Date.....

Signature.....

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons for the Bill

The objective of this Bill is to provide a comprehensive framework for the establishment of a Technopolis in Kenya and to create the Technopolis Development Authority which will be responsible for the development, governance, planning, management, improvement, and maintenance of every Technopolis established.

The Kenya Vision 2030 outlines the strategic intent of Kenya to transition into a knowledge-based economy. To achieve this goal, it is crucial to establish seamless flows of information and knowledge between academia and the enterprise sector. The Government recognizes the need to take a leadership role in creating an environment that fosters this flow of knowledge. The establishment of the Technopolis and the role of the Technopolis Development Authority will drive the country towards achieving its economic and development objectives, as outlined in Kenya Vision 2030.

PART I (Clauses 1-3) of the Bill contains preliminary provisions.

PART II (Clauses 4-15) of the Bill establishes the Technopolis Development Authority whose primary function is to develop and manage a Technopolis. This Part also provides for the Board of the Authority, qualifications for appointment for the Chief Executive Officer and his functions and for the office of Corporation Secretary of the Authority.

PART III (Clauses 16-21) provides for the establishment of a Technopolis by the Cabinet Secretary through a notice in the Gazette and for the development of a high technology innovation system at a Technopolis by the Authority.

PART IV (Clauses 22-27) of the Bill contains provisions for development control in a Technopolis and for the application, approval and revocation of a development permit.

PART V (Clauses 28-36) contains licensing provisions. This Part further provides for the application, approval and revocation of a licence to operate in a Technopolis.

PART VI (Clauses 37-40) of the Bill contains enforcement provisions including sanctions for non-compliance with the Act.

PART VII (Clauses 41-46) of the Bill contains financial provisions, including sources of monies for the Authority, annual estimates and financial reporting mechanisms.

PART VIII (Clauses 47-61) of the Bill contains provisions relating to the Technopolis Dispute Resolution Tribunal. The Tribunal is established to determine appeals from decisions of the Authority on licensing, development control and any enforcement decision. This Part allows appeals to be made from decisions of the Tribunal to the High Court within thirty days.

PART IX (Clauses 62-64) of the Bill contains general provisions. These include provisions relating to incentives applicable to a Technopolis, and general offences as well as penalties.

PART X (Clause 65) of the Bill contains the provisions on delegated powers.

PART XI (Clauses 66-67) of the Bill contains transitional and saving provisions.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill delegates legislative powers to the Cabinet Secretary responsible for matters relating to information communication and technology to make regulations to operationalize the provisions of the Bill. The Bill does not limit fundamental rights and freedoms.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The Bill is a money Bill in terms of Article 114 of the Constitution. The enactment of this Bill will occasion additional expenditure of public funds as it seeks the appropriation of monies by National Assembly towards the funds of the Authority.

Statement as to whether the Bill concerns a County Government

This Bill concerns county governments in terms of Article 110 (l) (a) of the Constitution as it affects the functions and powers of county governments as set out in the Fourth Schedule to the Constitution.

The power given to the Authority to issue licences to operate a business in a Technopolis is a function of the county governments as provided for in Paragraph 7 (b) of Part 2 of the Fourth Schedule.

Dated the 12th January, 2024.

KIMANI ICHUNG'WAH,
Leader of Majority Party.

