

THE SCIENCE, TECHNOLOGY AND INNOVATION ACT, 2013

(No. 29 of 2013)

IN EXERCISE of the powers conferred by section 45 (1) of the Science, Technology and Innovation Act, 2013, the Cabinet Secretary for Education Science and Technology makes the following Regulations:—

THE SCIENCE, TECHNOLOGY AND INNOVATION (RESEARCH LICENSING) REGULATIONS 2014

PART 1—PRELIMINARY

1. These Regulations may be cited as the Science, Technology and Innovation (Research Licensing) Regulations, 2014.

Citation.

2. In these Regulations, unless the context otherwise requires—

Interpretation.

“Act” means the Science, Technology and Innovation Act, 2013;

“Commission” means the National Commission for Science, Technology and Innovation established under section 3 of the Act;

“licence” means a licence issued under regulation 5 and includes a permit;

“licensee” means the holder of a licence or permit;

“research” means the systematic investigation into and study of materials and sources in order to establish facts and reach new conclusion;

“researcher” means a person licenced under these regulations to conduct research.

3. All scientific research activities shall be co-ordinated by the Commission to ensure that no harm occurs to the natural, social and cultural environments of Kenya and human life.

Co-ordination of research.

4. These Regulations shall not apply to a person conducting research under a University or a research institute program.

Exemptions.

PART II—LICENSING

5. (1) An application for a licence under section 12 of the Act shall be in the form set out in the First Schedule and shall be accompanied by—

Application for licence.

(a) a cover letter and full proposal; and

(b) such fees as may be specified by the Commission from time to time and published in the Gazette.

(2) A foreign researcher applying for a licence shall be affiliated to a local relevant institution.

(3) Where a research requires ethical review or issuance of a permit by another national institution, the applicant shall obtain such review or permit prior to making an application for a licence to the Commission.

(4) Where a research involves the transfer or exportation of specimens or materials, the applicant shall seek and obtain clearance from the relevant Government agency before making an application for a licence to the Commission.

6. The Commission shall, within thirty days from the date of receipt of the application under paragraph 5 consider the application and notify the applicant on the decision of the Commission.

Consideration of an application.

7. (1) Where the Commission is satisfied that the applicant satisfies the requirements set out in the Act, the Commission shall grant a research licence.

Grant and renewal of licence.

(2) A licence granted under paragraph (1) shall be valid for a period of one year from the date of issue and shall be renewable on receipt of an application for renewal at least two months prior to the date of expiry.

(3) A research licence issued under the Act shall be in the form set out in the Second Schedule.

(4) Where the Commission is of the opinion that the application does not meet the conditions required under the Act, the Commission may—

- (a) reject the application; or
 (b) make its comments or recommendations thereon and forward them to the applicant.

(5) An application whose application has been commented upon may resubmit a revised application within a period of sixty days on receipt of the Commission's comments.

8. On receipt of a revised application under paragraph 7(5) the Commission shall, within thirty days from the date of receipt, determine the application in accordance with these regulations, and if satisfied, grant a licence in accordance with the Act. Determination of a revised application.

9. Any person aggrieved by the decision of the Commission under these Regulations, may appeal to the Cabinet Secretary within thirty days of being notified of the decision. Appeal against refusal.

10. The Commission shall maintain a register of all persons granted licences under the Act which shall indicate- Register.

- (a) the name of the licensee;
 (b) the nature of the research undertaken by the licensee;
 (c) the physical address of the premises of the licensee;
 (d) the number and date of issue of the licence; and
 (e) source of funding.

11. The Commission may at least once in a year conduct or cause to be conducted an evaluation of research carried out under the Act for the purpose of assessing and evaluating compliance with the conditions of the licence. Monitoring to ensure compliance.

12. The Commission may by notice in writing, require a researcher who is the subject of an evaluation under paragraph 11 to comply with any such standard or instruction as the Commission may specify within a prescribed time and in a prescribed manner. Notice to rectify and sanctions.

13. The Commission may revoke a research licence if the licensee contravenes any of the conditions of the licence. Revocation.

14. An applicant who has been licensed under these Regulations to conduct research in Kenya shall deposit a copy of the final research report to the Commission within one year of completion. Final report submission.

FIRST SCHEDULE

APPLICATION FORM FOR LICENCE (r.5)

PART I (to be completed by the applicant)

1. Personal Information

- (a) Full name of Applicant
- (b) Name of Institution (if applying for institutional permit and attach CV of researchers)
- (c) Approving Authority (e.g. CEO, Director)

(d) National Identification Number (ID No.)/Passport No.

(e) Physical Address.....

(f) Postal Address

(g) Contacts:

Telephone Fax

Mobile No.

E-mail

(h) Gender

(i) Highest Qualification

(Please attach the above details and Curriculum Vitae for other researchers in your team)

2. Personal References

(Give names and full addresses of two senior academic/professional referees. These should be professionally qualified in the field of research which the applicant wishes to undertake)

(i) Name

Address.....

Profession/Occupation.....

Contacts:

Tel:..... Mobile

Fax:.....

E-mail.....

(ii) Name.....

Address.....

Profession/Occupation.....

Contacts:

Tel:.....

Fax.....

E-mail.....

3. (a) Have you applied for a licence to conduct research in Kenya before? Yes/No

(b) If (a) above is yes, provide the title of the recent research previously applied for

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(c) If the application was approved *vide* the Licence. No.

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Dated.....

(d) If the application was rejected *vide* the application. No.

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Dated.....

4. Title of the research project

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5. (a) Source(s) of finance

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(b) Amount of currency

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6. Purpose of the research

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7. Location of research:

Location/Division.....

County.....

8. Estimated period of the project: from..... to

9. Do you need access to the Public Records? (*if yes list*)

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10. Do you need to interview any Government Officials? (*if yes list them*)

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11. What research tools (e.g. questionnaire) do you intend to use? (*attach copies*)
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I certify that I have read and understood the Science, Technology and Innovation (Research Licensing) Regulations, 2014. I do agree to abide by them as required and that the information given by me in Part I is correct to the best of my knowledge.

Signature Date.....

PART II

(For official use only)

Date Application Received.....

Signature

Receipt Number.....

Approved/not approved.....

Date Signature

Secretary, National Commission for Science, Technology and Innovation

SECOND SCHEDULE (r. 7(3))

LICENCE

Application Reference No.....

Licence No.

This is to certify that the application to conduct research in Kenya received from.....

.....of P.O. Box

to the Commission in accordance with Research Licence Regulations to conduct research titled

located at

(Locality and county) has been evaluated and a licence is hereby issued, subject to the attached conditions.

This License is valid from to

Dated this day 20.....

Signature.....

(Official Seal)

Commission Secretary National Commission for Science, Technology and Innovation

Conditions of Licence

1. The licence shall only be used for the intended research and the specified period and research site.
2. Neither the licence nor any right thereunder shall be transferred, assigned, or disposed of in any manner, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the licence to any person.
3. The Commission reserves the right to cancel at any time during the research period if in the opinion of the Commission the research is not implemented in conformity with the provisions of the Act or any other written Law.
4. Upon request of the Commission, the licensee shall, at any time before expiration of the licence, submit written statements, signed under oath or affirmation if appropriate, to enable the Commission to determine whether or not the licence should be modified, suspended, or revoked.
5. The Licensee shall inform the County Governor in the area of research before commencement of the research, failure to which will lead to cancellation of the licence.
6. Excavation, filming and collection of specimens are subject to further permissions from relevant government agencies.
7. The Commission reserves the right to modify the conditions of this Licence including its cancellation without prior notice.
8. This Licence does not give authority to transfer research materials.

Dated the 22nd July, 2014

JACOB T. KAIMENYI,
Cabinet Secretary for Education, Science and Technology.