

THE DESIGNERS REGISTRATION BILL, 2019

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THE DESIGNERS REGISTRATION BILL, 2019

A Bill for

AN ACT of Parliament to make provision for the training, registration and licensing of the designers; to regulate their practice; to provide for the establishment, powers and functions of the Institute of Designers of Kenya and for connected purposes.

ENACTED by the Parliament of Kenya, as follows-

PART I-PRELIMINARY

Short title and
Interpretation

1. This bill may be cited as Designers Registration Bill 2019

In this Bill, unless the context otherwise requires-

“Institute” means the Institute of Designers of Kenya established by this Act.

Design” shall mean Interior Design, Graphic Design or Product Design

“Designer” shall mean Interior Designer, Graphic Designer or Product Designer who having successfully undergone a prescribed course of training in an approved institution is a holder of a diploma or degree certificate in design

“Cabinet Secretary” shall mean the Cabinet Secretary responsible for matters relating to Design

“Council” means Governing Council of the Institute established under section 6 of this Act;

“Registrar” means the registrar of design under section 13 of this Act;

“Register” means the register maintained under section 14 of this Act;

"Code of ethics" means sets of standards for designers' obligations to the public, their clients, employers and the profession encompassing right conduct;

"practice of interior design" includes consultancy and advisory services relating to providing or offering to provide, for a fee, commission or hope of reward, interior design services in relation to the non-structural construction of and non-structural alterations to the interior area of a structure designed for human habitation liability to be sued;

“Product design” is equated with Industrial Design which has the meaning assigned to it in section 84 of the Industrial Property Act, 2001 (Act No. 3 of 2001);

"Practice of graphic design" means providing design services involving consultations, investigations, evaluations, planning, designs or responsibility for superintending artwork, model, process, or visual works that require application of graphic design elements and principles liability to be sued. It shall include such other meaning assigned to it in any existing law in Kenya.

"Design firm" means design firm registered under section 20 this Act;

"Foreign person" means a person who is not a citizen or a permanent resident of Kenya;

PART II –THE INSTITUTE OF DESIGNERS OF KENYA.

Establishment of the Institute

2. 1) There is established an Institute to be known as the Institute of Designers of Kenya
- 2) The Institute shall be a corporate body with perpetual succession and a common seal and shall, in its corporate name, be capable of —
 - a) Suing and being sued
 - b) Taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property.
 - c) Borrowing money
 - d) Entering into contracts
 - e) Doing or performing all things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done by a body corporate.
- 3) The headquarters of the Institute shall be in Nairobi.

Rights and obligations unaffected

3. Provisions of this Act does not apply to;
 - 1) an employee of a retail establishment providing consultation with respect to interior designing, product designing or graphic designing in furtherance of a retail sale;
 - 2) any person not working as a designer in a public entity, international organizations operating in Kenya, non-governmental organization, branch office of a foreign registered company or corporated firms in Kenya.
 - 3) A person who holds himself out to the public as a person if, in consideration of remuneration or other benefits received or to be received, such person does not engage in the professional practice of design as prescribed so under this Act.;
 - 4) A person in any practices, or performs or offers to perform any services, which may be prescribed so under this Act.

Members of the Institute

4. 1) A person who is registered under this Act is a member of the Institute. Such persons are;
 - a) Members of the Institute registered under section 11 of this Act;
 - b) Members of the Institute registered under section 19 of this Act;
- 2) Members of the Institute shall pay such fees and subscriptions as the council may from time to time prescribe.

Functions of the Institute

5. The Institute is established to —
- a) supervise and regulate the registration, certification and practice of design profession in Kenya
 - b) register and license designers for the purpose of this Act;
 - c) develop, improve and maintain standards of design profession;
 - d) Make provision for the training and instructions for persons seeking registration or enrolment under this Act;
 - e) establish and improve the standards of professional design practice and management in Kenya;
 - f) Prescribe and regulate syllabuses of instruction and courses of training for persons seeking registration or enrolment under this Act;
 - g) Approve institutions for training of persons seeking registration or enrolment under this Act;
 - h) Establish, approve and accredit programs for continuous professional education programs
 - i) Prescribe the minimum educational entry requirements for persons wishing to be trained as a designer in Kenya
 - j) Have regard to the conduct of persons registered, enrolled or licensed under this Act, and take such disciplinary measures as may be necessary to maintain a proper standard of conduct among such persons;
 - k) Prescribe and conduct examinations for persons seeking registration or enrolment under this Act;
 - l) Maintain a register and records of all designers registered this Act;
 - m) Promote development and adoption of code of practice ;
 - n) Advise the Government on policy matters relating to design practice.
 - o) Carry out any other functions related to the implementation of this Act.

Management of the institute

6. 1) The management of the institute shall be vested in a Council which shall consist of—
- a) The chairperson appointed among members under sub-section 1) d)
 - b) A senior public officer in the Government Department responsible for matters Design;
 - c) A registered professional representing Universities training a course registrable by this Act; elected amongst the head of departments in schools or faculties dealing with design education;
 - d) Six other members, whom;
 - i. Two shall be from interior design chapter;
 - ii. Two shall be from graphic design chapter; and
 - iii. Two shall be from product design chapter
 - e) A representative designated in writing to represent the office of the Attorney-General.

f) The Registrar who shall be an ex-officio member and secretary to the Council.

2) All appointments under this section shall be notified in the *Gazette*

3) The Cabinet secretary shall, in appointing the members of the council, uphold the principle of one third and ensure the composition of the council takes into account the marginalized and those with disabilities.

4) The chapters shall once in every three years elect its members to be nominees mentioned in sub-section 1) d).

5) Pursuant to sub-section 1) d) one of the nominee from each chapter shall be the chairperson of the chapter.

6) A person appointed as a chairperson of the council shall be;

a) A Practicing designer of not less than 10 years standing.

b) registered professional member and holds a valid certificate of practice issued under this Act;

c) Shall not be a public officer; and

d) One who meets the requirements of Chapter six of the Constitution.

7) No person shall be appointed as a member of the council under sub-section 1) d) unless such person-

a) registered professional member and holds a valid certificate of practice issued under this Act;

b) Is in good standing with the nominating chapter.

c) One who meets the requirements of chapter six of the Constitution;

7. 1) The objective and purpose of the council is supervision and control of training and professional practice of designers in Kenya

2) It shall be the duty of the council to co-ordinate and control affairs of the Institute.

3) The function of the council shall be;

a) Advise the government on policy matters relating to design practice

b) Approve institutions for training of persons seeking registration or enrolment under this Act;

c) Carry any other function pursuant to section 4 of this Act

Function of the council

8. 1) The Council shall have all powers necessary for this Act.

2) Without prejudice to the generality of the foregoing, the Council shall have power to;

a) control, supervise and administer the assets of the Council in such manner as best promotes the efficient, effective and ethical use of such assets;

b) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;

c) invest any funds of the Council not immediately required for its purposes in the manner provided in section 31;

Powers of the council

- d) impose, waiver, remit, refund or exempt the payment of fees or charges for the services rendered by the Council;
- e) recover debts accrued from defaulting entities;
- f) establish and maintain bank accounts for the funds of the Council; and
- g) collaborate with other bodies or organizations within or outside Kenya in so far as appropriate for the performance of its functions under this Act.

Conduct of business and affairs of the Council.

9. 1) The conduct and regulation of the business and affairs of the Council shall be as provided for in the First Schedule.
2) Except as provided in the First Schedule, the Council may regulate its own procedure.

Remuneration of members of the Council.

10. The Council shall pay its members such remuneration as may be approved by the Cabinet Secretary upon the advice of the Salaries and Remuneration Commission.

PART III: PROVISIONS RELATING TO CHAPTERS OF THE INSTITUTE.

Chapters of the Institute

11. 1) There are established chapters of the institute where designers apply to becoming a member; being ;
a) Chapter for Interior Designers
b) Chapter for Graphic Designers; and
c) Chapter for Product Designers
2) The chapters shall be governed by the Executive Committee to administer its activities.
3) Each Executive Committee shall have six members;
a) one being the chairperson
b) three other members
elected every three years in the manner provided in the rules developed thereof by eligible members.
c) Representatives designated in writing to represent the Principal Secretary responsible for matters relating to Design shall be non-executive members of each Executive committee
4) There shall be a secretary to a chapter whom shall be elected by eligible chapter members among the three members pursuant to sub section 11)3)b)

- 5) A member seeking election to be an Executive Committee member shall be a person who-
 - a) has been a member of the nominating chapter for a continuous period of not less than three years;
 - b) has served on the council or any committees for at least one year; and
 - c) has not been disqualified under the provisions of this Act.
- 6)
 - a) Each chapter shall administer and operate Professional Development Programme on behalf of the Institute.
 - b) The activities of this programme shall be managed by Capacity, Professional Development & Advocacy Committee established;
 - i. chairperson of the chapter
 - ii. chapter secretary
 - iii. Two other nominees elected by members of the chapter who are not serving the chapter in any other capacity
 - iv. The registrar of the Institute who shall be secretary
 - c) The committee shall establish programme credits valid only if it is part of a programme approved by the Council.
 - d) The Committee with the approval of the Council shall administer programmes that contribute to the growth of design industry in professional competence and which is required for professional development.
- 7) In order to further the objects of the chapters, the executive committees may, at their discretion set up Standing Committees to advise on academic and professional standards, membership, professional development and other such matters.
- 8) The Chapters, with the approval of the Council shall prescribe the following as categories of members of the various chapters.
 - a) Technician member being a person who has obtained a minimum two-year diploma certificate in design or any other relevant and equivalent qualification from a college recognized in Kenya and has fulfilled such conditions as the chapter shall prescribe.
 - b) Graduate member being person who has obtained a bachelor degree in Design or any other relevant and equivalent qualification from a university recognized in Kenya and have fulfilled such conditions as the chapter shall prescribe
 - c) Licentiate members being a person who has been a technician member with a proven minimum of two years practical experience and has fulfilled such conditions as the chapter shall prescribe.
 - d) Corporate member being a person who has been a graduate member with a proven minimum of one year practical experience and has fulfilled such conditions as the chapter shall prescribe.

- e) Honorary member;
 - i. Being not a designer; and
 - ii. has rendered conspicuous service to the profession of design or is eminent in design or in public service;
 - iii. Shall be nominated by the Executive Committees of the chapters and approved by the Council.
 - iv. The number of Honorary Members shall not at any time exceed three in any chapter; and not more than two honorary members shall be nominated in any one year.
 - f) Fellow member shall be such a member;
 - i. Registered under provision section 19 of this Act ; or
 - ii. Is a Fellow of International Association of Designers or any other international Association that the Institute has an agreement with.
 - g) Visiting member shall be a foreign designer who is in Kenya and has fulfilled such conditions as prescribed by the institute.
- 9) A member prescribed under sub-section 8) is required to order his/her conduct and uphold dignity and reputation of the profession and the Institute and to act, in whatever capacity he may be engaged, in a trusted manner towards his/her clients, employers and towards others with whom his/her work is connected and towards other members, in a manner consistent with the best interests of the Institute.
- 10) Any alleged breach of sub-section 9) which may be brought before the Executive committee properly supported by sufficient evidence, shall be dealt by the Executive committee, either by expulsion of the offender from the Chapter under the procedure of rules developed thereof, as far as it applies, or in such manner as the Executive committee may deem fit.
11. The chapters referred in this section have broad range of rules making powers relating to self governance and administration. Such rules are subject to approval of the council.
12. The rules made thereof for the time being in force may be added to, revoked, altered or amended only within approval of the council
- 13) a) The conduct and regulation of the business and affairs of the Chapters shall be as provided for in the First Schedule.
- b) Except as provided in the First Schedule, the Chapters may regulate its own procedure.
14. This section of this Act shall not require a certificate of practice for, or restrict or prohibit a chapter member from engaging in, any design activity or service.

PART IV-PROVISIONS RELATING TO TRAINING OF DESIGNERS.

In this section for the purposes of this Act —

"approved training institution" means such institution within or outside Kenya as may be approved by the Council by notice in the *Gazette* for the training of persons seeking registration or enrollment under this Act

Approved
training
institutions

12. 1) The Council shall approve all institutions charged with the training of persons to be registered under this Act.
- 2) No person shall, being in charge of a training institution in Kenya may-
- a) Admit persons for training with a view to qualifying for registration under this Act; or
 - b) Conduct a course of training or administer the examinations prescribed for the purposes of registration under this Act; or
 - c) Issue any document or statement implying that the holder thereof has undergone a course of training or passed the examinations prescribed by the institute for purposes of registration:

unless such institution is approved and accredited by the council for that purpose in accordance with this Act.

- 3) A person who contravenes sub-section 2) commits an offence
- 4) The Council shall administer a pre-internship assessment.
- 5) Any person, being in charge of any design institution which is not approved by the institute as an institution for the training of persons seeking registration or enrolment under this Act, who-

 - a) admits to the institution under his charge any person for the purpose of training in any of the categories of design in respect of which provision is made for registration or enrolment under this Act;
 - b) Purports to be conducting courses of training or examinations under this Act or regulations made thereunder;
 - c) issues any document, statement, badge or seal implying that the institute under his charge is approved by the institute as an institution for training of persons seeking registration or enrolment under this Act;
 - d) issues any document, statement, certificate, badge or seal implying that the holder thereof has undergone a course of instruction or passed an examination prescribed by the Institute;

commits an offence

- 6) Any person who purports to conduct examinations on behalf of the Council while not being authorized to do so commits an offence and on conviction shall be liable.
- 7) a) The Council shall have power to enter and inspect any institution in charge of training of persons to be registered under this Act.
b) A person who obstructs or causes the obstruction of the Council from entering and inspecting such institution, commits an offence and on conviction shall be liable.
- 8) The council shall make regulations to prescribe the procedure for approving and accrediting training institutions for the purposes of this section.

PART V: PROVISIONS RELATING TO REGISTRATION OF PROFESSIONAL DESIGNERS.

In this section for the purposes of this Act —

“Certificate of Practice” means an acknowledgement document of identification issued to members under section 23.

“Professional Design Services” means designs and advice in connection with a feasibility study, planning, survey, ideation, design, sketch, drawing, specification, prototyping, construction, production, commissioning, operation, maintenance, supply of design tools, equipment, and management of design works or projects and also includes any other design services approved by the institute.

“Professional design work” includes professional services, consultations, investigations, evaluations, planning, designing or responsibility for superintending construction / production or operation and maintenance in connection with any public or privately owned utility product or service of interior space, artwork, model, machine, equipment, process, works or projects that require application of design elements and principles

“Registration Committee” shall mean the committee established pursuant to sub-section 17),4) a) whose function is delegated by the Council to undertake professional registration.

Registrar of the institute

13. 1) There shall be a registrar of the Institute who shall be appointed by the Cabinet Secretary.
- 2) The registrar who shall be a public officer shall keep and maintain a register in which the name of every person shall be entered after registration, showing against his name such particulars as the council may, direct.
- 3) The Registrar shall be an *ex officio* member of the Council and shall have no right to vote at any meeting of the Council.
- 4) The registrar shall
- a) manage and control the Council's staff, administration and business.
 - b) from time to time publish all entries and suspensions or deletions from the register in such manner as the council may advice.
 - c) compile and maintain custody of registers as may from time to time be prescribed by the council.
 - d) shall remove from the register the name of a registered person as may from time to time be prescribed by the council.

The register

14. 1) The Council shall register every qualified person by entering his name, address, professional qualifications and such other particulars as the Council may prescribe, in the appropriate register kept for that purpose pursuant to this Section
- 2) The register may, at reasonable hours, be inspected, and copies of all or any part of any entry in the register taken—
without payment, by—
any public servant, acting in the course of his duty; or any person authorized by the registrar; or
on payment of such fee as the Council may prescribe.
- 3) A fee, to be known as a retention fee, may be prescribed for payment annually or at such longer intervals as the council may deem appropriate, by any person whose name appears on the register as a condition of maintaining his name thereon.
- 4) The council may at any time direct that the name of a registered person be removed from the register where such registered person has—
- a) failed within a period of six months from the date of an inquiry sent by the registrar letter to the address appearing in the register against his name, to notify the registrar of his current address;
 - b) requested that his name be removed from the register; or
 - c) been found to be guilty of misconduct

**Restoration
from the
register**

15. 1) Where the name of any person has been removed from the register, the name of that registered person shall not be entered again in the register except by direction of the council.
- 2) Where the name of any person has been removed from the register or the effect of the registration of any person has been suspended, the council may, either of its own motion or on the application of the person concerned made in the prescribed manner, and in either case after holding such inquiry as the council may direct that—
- a) removal from the register be confirmed; or
 - b) the name of that person be restored to the register; or
 - c) suspension of the effect of the registration of the person be terminated.
- 3) A direction given by the council under sub-section (2) may include provision for the date upon which a restoration to the register or the termination of a suspension shall take effect and for the payment by the person concerned of such fee, not exceeding the fee payable on an application for registration, as the council may determine.

**Publishing of
Members**

16. 1) The Registrar shall cause to be published in the Kenya Gazette not later than the 31st day of March of every calendar year, particulars of all registered and validly licensed persons or firms and their categories of registration.
- 2) A publication made under this section shall be *prima facie* evidence that a person or firm named therein is registered under this Act and the deletion from the register of the name of any person or firm notified by such publication, or the absence of the name of any person or firm from such publication, shall be *prima facie* evidence that such person or firm is not so registered.
- (3) A person or a firm whose details have not been entered, or erroneously entered into, the Register, shall notify the Registrar within thirty days from the date of publication of particulars of registration in the Kenya Gazette pursuant to subsection 1), for the necessary correction or amendment to be made, upon which the Registrar shall publish in the Gazette the corrected or amended particulars with respect to that person or firm.

**Professional
Registration**

- 17.1) Every application for registration as a professional designer shall be made to the Council.
- 2) Subject to the provisions of this Act, a person shall be eligible for professional registration if—
- a) Has met relevant chapter's requirements to be nominated for professional registration.
 - b) has successfully undergone a prescribed course of training at an approved training institution;

- c) has passed professional assessment examination conducted by the Institute; and
 - d) is a corporate or licentiate member of the relevant chapter of the institute; and
 - e) is a citizen or a permanent resident of Kenya.
- 3) A person trained from an accredited institution outside Kenya shall be eligible for professional registration under this Act if that person —
- a) is registered with the relevant chapter of the Institute
 - b) holds a diploma or degree obtained from an institution that is accredited and recognized by the regulating authority responsible for the registration of designers in the country where he/ she studied;
 - c) has, to the satisfaction of the Council qualifications that meet such requirements for a course leading to a qualification as a designer as the Council shall from time to time prescribe pursuant to subsection b); and
 - d) has engaged in design practice for such period, being not less than twelve months, as the Council may approve;

Application for registration.

18. 1) A person eligible to be registered as a professional under section 17 may apply to the Registrar, in a prescribed form and on payment of prescribed fee, to be registered under this Act.
- 2) An application made under subsection (1) shall be accompanied with certified copies of certificates and other documents as are necessary to prove qualification for registration.
- 3) for purposes of this section the council shall ;
- i. receive, consider and approve applications for professional registration.
 - ii. grant certificate of practice to professional members in accordance with this Act;
 - iii. issue, suspend, revoke or reinstate certificate of practice;
- 4) A person who willfully makes a false or misleading statement or submits false documents in any application under this Act commits an offence.

Professional members classification

19. Professional members shall either be;
- a) Design Technician as person who has been a licentiate member of a chapter for two years and has satisfied professional competence, suitability and by compliance with the requirements set out in the application form; or
 - b) Professional Designer as a person who has been a corporate member of a chapter for one year and has satisfied professional competence, suitability and by compliance with the requirements set out in the application form.

Registration of firms

- 20.** 1) The institute shall register design consulting firm, institution of higher learning or design organization / company which the Council shall establish under the rules made thereof.
- 2) Such firm at the time of application must have one professional designer and at least two designers registered with the relevant institute chapter employed by the firm
- 3) Subject to the provisions of this Act, a person may register design consulting firm, institution of higher learning or design organization / company if—
- (a) it has a certificate of registration of a business name or a certificate of incorporation;
 - b) at least fifty one percent of the shares in the firm are held by Kenyan citizens; and
 - c) fulfills any other condition as may be stipulated by the institute.
- 4) The council may register design consulting firms, institution of higher learning or design organizations / company in different categories and disciplines based on criteria as shall be established.
- 5) A body of persons shall not carry on the business in Interior design, graphic design or product design unless one of its partners or directors, as the case may be, is a professional designer.
- 6) Where a partner or director of a body of persons mentioned under subsection 5), dies, that body of persons may, despite the provision of subsection 5), continue to carry on the business in design for not more than six months as if the legal representatives were professional designers and thereafter the body of persons shall cease to carry on the business in design unless it can demonstrate, through legally binding documents, that it has taken on board a professional designer as a partner or director.
- 7) Any person who contravenes the provisions of this section commits an offence.

Application for registration

- 21.** 1) A person who wishes to register design consulting firms, or design organizations / company under section 20, may apply to the Registrar, in a prescribed form and on payment of a prescribed fee, to be registered under this Act.
- 2) An application made under subsection 1) shall—
- a) be accompanied with such documents as are necessary to prove qualification for registration;
 - b) provide the firm's profile of activities;
 - c) provide curriculum vitae of partners or directors; and
 - d) be accompanied with a written commitment that the institute shall be allowed to verify the suitability of the firm for the purposes of registration.

3) The Council may require the applicant to furnish such further information or evidence of eligibility for registration as it may consider necessary and may require the applicant to appear in person for an interview before the council.

Temporary registration

22. 1) A foreign person may be considered for registration as a temporary professional designer if that person satisfies the council that—
- a) he is not ordinarily resident in Kenya;
 - b) he intends to be present in Kenya in the capacity of professional designer for the express purpose of carrying out specific work; and
 - c) he possesses the necessary qualifications recognized for the practice of design as a professional designer in the country where he normally practices and that immediately before entering Kenya, was practising as a professional designer and holds a valid license from his country of origin.
 - d) Has registered as a visiting member in the relevant chapter immediately prior to entering in Kenya.
 - e) The registration of a person under this section shall be valid for the period or for the duration of the work specified by the council.
 - f) Where the expertise skills of a person registered under this section are not available in Kenya, the council shall notify the applicant and the applicant shall provide an undertaking that the locals shall be trained to fill the skills gap.
 - g) Subject to subsection e), the council may approve temporary registration for such period not exceeding two calendar years
- 2) An application for registration under this section shall be in the prescribed form and shall be accompanied by the prescribed fee as determined by the council.
- 3) The council may require an applicant to appear before it where it is in the process of considering his application and shall require every applicant to produce documentary evidence of his work or employment.

Certification of a foreign designer

23. 1) A foreign person shall be considered for registration as a professional designer in either of categories stated in section 18 if that person satisfies the council that;-
- i. is not ordinarily resident in Kenya;
 - ii. intends to be present in Kenya in the capacity of professional designer for the express purpose of carrying out specific work;
- 2) A foreign person shall not be registered unless that person possesses the necessary qualifications recognized for practice as a professional designer in the country where he/she normally practices; was practicing, in good standing as a designer and holds a current professional registration documents;
- 3) No foreign designer shall be issued with certificate of practice to practice design or be entitled to any of the rights and privileges under this Act unless

the country of which he/she is a subject or citizen has a policy which permits Kenyan designers to practice within its territorial limits on the same basis as the subjects or citizens of such foreign state or country.

- 4) The foreign designer shall be required to work in every case with a current certificate of practice holder who has been in continuous practice in design for at least five (5) years and whose competence and integrity have been established by the institute.
- 5) The foreigner and the Kenyan designers working jointly on a special project shall divide the professional fees and other charges from said project equitably, according to their participation in or professional services rendered to the project.
- 6) A foreign firm shall not be allowed to work in Kenya in design field unless an undertaking to employ at least twenty five percent workforces being currently registered professional designers is deposited with the Institute.
- 7) Foreigners working jointly with Kenyan designers shall sign contracts and other credits together. Both foreign and Kenyan designers shall at all times be acknowledged in all marketing, promotional materials and reportorial compliance for the project, whether prepared and/or submitted locally or abroad. All residual earnings shall also be equitably shared between foreign and the Kenyan designers.
- 8) Registration of a person under this section shall be valid for the period or for the duration of the work specified.
- 9) Pursuant to sub-section 8), the institute may approve registration for such period not exceeding one calendar year, renewable.
- 10) Any violation of these requirements or other illegal practices undertaken by the foreigner, foreign design firms or their Kenyan counterparts shall be punishable under this Act or any written law in Kenya.

**Design
Proficiency
Examination
Center**

24. 1) There is established Design Proficiency Examination Center at a Government Institution subsequently *Gazetted* by the Cabinet Secretary for such purpose in accordance with this section.
 - 2) The institution in sub section 1) shall not include those established or accredited under the Universities Act 2012 or the Technical Vocational Education and Training Act 2013, or such institution approved and accredited by the council.
 - 3) The centre shall administer professional examinations required for professional registration of designers.
 - 4) The Centre shall be administered by;
 - a) Person in charge of Government Department responsible for matters Design; shall be the chair;
 - b) chairperson of the Institute of Designers of Kenya
 - c) Institution Chief Executive Officer

- d) A registered professional representing Universities pursuant to section 6)1) c) ;
 - e) Other three council members; one from each chapter being the chairperson of the Chapter.
 - f) one other person appointed by the Cabinet secretary to serve the Centre
 - g) The Registrar who shall secretary to the Centre.
- 5) The Centre shall be governed by rules made thereof.
- 6) An applicant who is a licentiate or corporate member of the Institute shall be required to undertake the Professional examinations prior to making application to be considered for Professional registration.

**Renewal of
Certificate of
Practice**

25. 1) The certificate of practice issued shall be termed valid from the date of issuance to the last day of December in every year and shall, upon expiry, be renewed.
- 2) A person issued with certificate of practice shall not file an application for renewal if the institute has suspended the applicant's certificate of practice.
- 3) A holder of a certificate of practice shall meet the requirements for renewal prior to the issuance of the renewed certificate.
- 4) An applicant for renewal of certificate of practice shall submit the renewal application in a timely manner and shall complete continuing capacity development requirements before the expiration date of the certificate.
- 5) Denial of an application for renewal for failure to complete the continuing capacity development requirements shall require the applicant to complete the requirements prior to submitting an application for reinstatement.

**Issuance and
use of seal**

26. 1) Every designer with current certificate of practice shall procure a seal, which shall contain his/her name and certificate number. This seal shall comply in all aspects, including size and format as shall be prescribed by the institute:
- 2) The designer shall sign and affix the seal on all drawings, designs, specifications and contract documents prepared by him or under his direct supervision during the validity of his certificate of practice. The seal shall be evidence of the authenticity of the documents.
- 3) When the certificate of practice has been revoked or suspended by the institute, the designer shall surrender his seal to the registrar within a period of thirty (30) days after the revocation or suspension has become effective. If the certificate of practice has been suspended for a period of time, his seal shall be returned upon expiration of the suspension period. The seal shall not be used for any purpose after the effective date of suspension or revocation.
- 4) Officers of the Government charged with the enforcement of regulations relating to any matter in this Act shall accept only those documents which have been prepared by or under the supervision of a registered professional designer, signed, sealed and submitted in full accord with the provisions of this Act.

5) All certificates under the seal of the institute shall remain the property of the Institute.

f) Violation of the foregoing under this section shall be an offence.

**Professional
Conduct**

27. A professional designer shall:
- a) Conform to existing laws, regulations, codes, procedures and practice of design as established by the jurisdictions in which he/she conducts business;
 - b) Maintain certificate of practice in good standing in any jurisdiction in which he/she conducts business;
 - c) Serve clients by only undertaking projects and responsibilities within his professional capacity and competence and within the definition according to the laws of his certificate of practice;
 - d) Clearly set forth the scope and nature of a project, services to be performed, and all methods of compensation for those services;

Code of ethics

28. The institute shall develop a code of professional ethics for its members.

PART IV – DISCIPLINARY PROVISIONS.

**Disciplinary
committee**

29. 1) There is established a Disciplinary Committee, which shall consist of;
- a) Chairperson of the council who shall be chairperson of the Committee
 - b) A senior public officer in the Government Department responsible for matters Design and not serving in the council;
 - c) six other representatives; two from each Chapter of the institute who are not members of the council or serving the institute in any other capacity, nominated by the chapters and one must be registered professional members in the chapter ; appointed by the council.
 - d) The designated officer serving the council to represent the office of the Attorney General
 - e) The registrar who shall be an *ex-officio* member and the secretary to the Committee.
- 2) The quorum of the Committee shall be six members.
- 3) The committee shall have powers to —
- a) receive and investigate complaints made against a member of the institute in accordance with the rules developed thereof under this Act;
 - b) enter upon and inspect any establishment or premises operated by a designer under investigation;

- c) seize and remove any object from any premises which may be related to the matter under investigation; and
 - d) Request the Attorney-General and or the Director of Public Prosecution to provide advice on any recommendation made in an inquiry.
- 4) The council may refer a matter to the Committee if it has reason to believe any person registered as a designer, either before or after he became registered-
- a) has been convicted by a court of law of an offence punishable by imprisonment for more than six months, the commission of which in the opinion of the council has dishonoured him in the public estimation; or
 - b) has been convicted of or has acted in a manner amounting to Professional negligence or professional misconduct in respect of the profession, including any breach of provisions of this Act or regulations made pursuant to this Act.
- 5) a designer registered under this Act whose conduct has been referred to the Committee shall be afforded a fair hearing and may appear either in person or be represented by an advocate
- 6) The Committee may administer oaths or affirmation and may, subject to any rule, summon and enforce the attendance of persons as witnesses and the production of books and documents or other relevant evidence, on request by either party.
- 7) The committee may in exercise of its powers under this Act, request and receive assistance from the police or any other governmental body or person as may solely in its own opinion be necessary in the enforcement of its powers.
- 8) Subject to any regulations made under this Act, the Committee shall regulate its own procedure.
- 9) Upon providing notice and an opportunity for hearing in accordance with this Act, the committee may recommend; revocation, suspension, refusal to renew, or deny an application for a certificate for any violation of this Act.
- 10) If the council determines that there is a violation of this Act, it may take any of the actions specified in sub-section 9) or any one or more of the following actions:
- a) Reprimand the designer;
 - b) Place the designer on probation for a specified period;
 - c) Impose limitations on the certificate of practice of the designer;
 - d) Require a course of remediation that may include retraining and, at the discretion of and in the manner prescribed; or
 - e) Re-examination.
- 11) If the council places a designer on probation, imposes a limitation on the certificate, or requires a course of remediation, it may provide that if the designer fails to satisfy the conditions of probation, observe the limitations

imposed on the certificate, or complete the course or remediation, may recommend to the council to suspend or revoke the designer's certificate.

Appeals .

- 30.** 1) Any person aggrieved by a decision of the council to refuse to register his name, or to remove his name from the register, or to suspend registration of his name, or to refuse to restore his name to the register, may appeal to the High Court against the decision of the council and in any such appeal the High Court may give such directions in the matter as it thinks proper, and any order of the High Court under this section shall be final.
- 2) The council may appear as respondent and be heard at any appeal against its decision and, for the purpose of enabling directions to be given as to costs of any such appeal; the council shall be deemed to be a party thereto, whether or not it appears at the hearing of the appeal.
- 3) Until rules of court are made, the provisions of the civil procedure Act shall apply as if the decision or direction of the council appealed against under this section were a decree of a court exercising original jurisdiction.

PART VI – FINANCIAL PROVISIONS

Moneys payable to the Institute

- 31.** The funds of the Institute consist of—
- a) such money or assets as may accrue to or vest in the Institute in the course of the exercise of its powers under this Act;
 - b) monies appropriated by Parliament for the purposes of the Institute ; and
 - c) All monies from any other source provided, donated, endowment or lent to the Institute.

Financial year

- 32.** The financial year of the Council shall be the period of twelve months ending on the thirtieth of June in each year.

Annual estimates

- 33.** 1) At least three months before the commencement of each financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the Council for that financial year.
- 2) The annual estimates shall make provisions for all estimated expenditure of the Council for the financial year concerned, and in particular shall provide for the—
- a) payment of salaries, allowances and other charges in respect of the staff of the Council;
 - b) b)payment of pensions, gratuities and other charges in respect of staff of the Council;
 - c) proper maintenance of the assets of the Council; and

d) creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, replacement of buildings or equipment, or in respect of such other matters as the Council may deem fit.

3) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval.

**Accounts and
audit**

No. 34 of 2015.

- 34.** 1) The Institute shall keep proper records in relation to the accounts and shall prepare in respect of each accounting year a statement of accounts.
2) Within a period of four months from the end of each financial year, the Council shall submit to the Auditor-General or to an auditor appointed under this section, the accounts of the Council together with—
a) a statement of the income and expenditure of the Council during that year; and
b) a balance sheet of the Council on the last day of that year.
3) The accounts of the Council shall be audited and reported upon in accordance with the Public Audit Act.

**Investment of
funds.**

- 35.** The Council may invest any of the funds of the Council in securities, in which for the time being trustees may by law invest trust funds, or in any other securities or banks which the Treasury may, from time to time, approve for that purpose.

PART VI—PROVISIONS ON DELEGATED POWERS

**Delegated
powers**

- 36.** 1) The Council, in consultation with the Cabinet Secretary, may make rules generally for the better carrying out of the provisions of this Act.
2) Without prejudice to the generality of subsection 1), the rules made under this section may provide for—
a) Forms to be used in connection with this Act or fees to be charged under this Act.
b) the conditions under which training institutions other than those established or accredited under the Universities Act, 2012 may be approved;
c) the subject matter of training courses and examinations to be conducted by the council;
d) the course content and examination for designers for purposes of registration under this Act;
e) the conditions of admission to the registers and of the certificate of practice;

- f) the attendance of witnesses and the production of documents at an inquiry held by the institute;
- g) the manner in which the various categories of persons for whom provision is made in this Act for registration or enrolment may be established and their training regulated;
- h) the standards and conditions of professional practice of persons registered, enrolled or licensed under this Act;
- i) the fees payable in respect of examinations, registration, enrolment, issue of licences, issue of certificates and in respect of any other matters under this Act;
- j) the procedure for election of those members of the institute who are required to be elected;
- k) the form and method of conducting any inspection, assessment, evaluation, examination or regulation required under this Act; and
- l) prescribing anything required to be prescribed under this Act;

PART VII – MISCELLANEOUS PROVISIONS

Protection from liability

- 37.** No personal liability shall attach to any officer, employee or agent for any loss or damage sustained by any person as a result of any act, omission done or made in good faith and without negligence in the performance, exercise or the intended performance or exercise of any duty or power imposed or conferred by or under this Act.

Staff of the institute

- 38.** The council may appoint such officers and other staff as necessary for the proper discharge of its functions under this Act, upon such terms and conditions of service as the council may determine.

Members Conduct

- 39.** 1) A member of the Institute shall be guilty of unprofessional conduct if such member—
- a) Allows any person to practice in his/her name as a designer, unless such person is a member of the Institute.
 - b) is grossly negligent in the conduct of his/ her professional duties;
 - c) discloses information acquired in the course of engagement to any person other than a client, without the consent of the client;
 - d) fails to observe and apply professional standards prescribed by the Institute ;
 - e) enters into partnership with a person who does not hold a practicing certificate, or secures any professional design business through the services of such a person or by means not open to a designer;
 - f) fails to do any other act which prescribed by the Institute

- g) solicits clients or professional work or advertises professional attainments or services by use of means not prescribed by the institute;
- h) fails to declare a conflict of interest in relation to any particular matter or acts in a matter notwithstanding the presence of an undisclosed conflict of interest;
- i) pays or allows or agrees to pay, directly or indirectly, to any person, other than a person who holds a practising certificate, is a retired partner or the legal representative of such a partner, any share, commission or brokerage out of the fees for, or profits of his or her professional services;

2) Sub-section 1)c) shall not apply in respect of information disclosed to the institute in fulfillment of the requirements of a programme provided by the Institute.

3 Unprofessional conduct in relation to a charge against a registered person shall be conduct which the council deems after due inquiry to be such

4) A registered person will be held responsible for the acts of members of his staff so far as they relate to matters relating to this Act and such as may the council prescribe.

Conditions of practice and penalty

40. 1) No person practice as a professional designer unless the person has been issued with a current certificate of practice by the Institute.
- 3) A person shall not be entitled to recover a charge for professional design services unless that person is registered under this Act.
- 4) a) No person shall, while in charge of a design establishment in a public entity, international organizations operating in Kenya, non-governmental organization, branch office of a foreign registered company, or corporated firm in Kenya employ any person to offer design services who is not registered under this Act.
- b) A person shall not take up or continue in any employment as a designer unless that person is registered with this Act.
- c) An employer shall not employ or engage a registered designer in any chapter of the institute in any work or professional design services or works unless that designer is under the supervision of a professional registered designer.
- d) A person who contravenes any provision of this section commits an offence.
- 5) Procurement of professional works and/ or services involving interior design, graphic design or product design in public entities, international organizations operating in Kenya, non-governmental organization, branch office of a foreign registered company, or corporated firm in Kenya shall be done by professional members or firms registered with the institute.
- 6) A person who contravenes the provisions of this section commits an offence.

**General
penalty**

41. 1) Any person who, not being eligible to be registered, enrolled or licensed under this Act, uses any title appropriate to a person so registered, enrolled or licensed or holds himself out directly or indirectly as being so registered, enrolled or licensed, or wears any distinguishing device prescribed for the use of persons so registered, enrolled or licensed, or any imitation thereof, shall be guilty of an offence and on conviction shall be liable.
- 2) Any person who, not being eligible to be registered, enrolled or licensed under this Act, practises for gain as a designer, shall be guilty of an offence and on conviction shall be liable.
- 3) Any person who, though eligible to be registered, enrolled or licensed under this Act, is not so registered, enrolled or licensed and who practices as a designer, shall be guilty of an offence and on conviction shall be liable.
- 4) Any person who, being registered, enrolled or licensed under this Act holds himself out, directly or indirectly, as being-
- a. Registered in any register under this Act in which his name is not registered or enrolled;
 - b. licensed under this Act to do anything which he is not licensed to do; or uses any name, title or description other than that which he is entitled to use under this Act, commits an offence

**Specific
penalty**

42. 1) A person convicted of an offence under this Act for which no penalty is provided shall be liable upon conviction—
- a. if the person is a natural person, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years or to both;
 - b. If the person is a body corporate, to a fine not exceeding four hundred thousand shillings.
- 2) Where an offence in accordance with this Act is committed by a body corporate or unincorporated body, every director or manager of the body corporate or the incorporated body shall be liable, on conviction, as if the director or manager had personally committed the offense unless the director or the manager proves to the satisfaction of the court that the act constituting the offence was done without his/her knowledge, consent or connivance.

**Prohibition for the
use of the term
Designer by
unregistered
persons.**

43. 1) The terms "Interior Designer" or "Graphic Designer" and "Product Designer" and "Designer" are protected under this Act and shall only be applied to persons or bodies fulfilling the requirements of this Act.
- 2) A person who, being not registered or licensed under this Act—
- a) willfully and falsely takes or uses in any way the style or form or title of "Interior Designer" or "Graphic Designer" and/or "Product Designer" or "Designer" in describing his occupation or his business or any other name, style, title, addition or description implying whether in itself or in the circumstances in which it is used, that such person or body or persons is an "Interior Designer" or "Graphic Designer" and/or "Product Designer"; or

(b) displays any sign, board, card or other device or uses a prescribed stamp representing or implying that he is an " Interior Designer" or " Graphic Designer" and " Product Designer",

commits an offence.

Sustainability

44. The use of resources in such a way that they are not depleted; a method of practice or use of materials that is capable of being continued with minimal long-term effect on the environment shall be encouraged by the institute.

General provision in relation to exemptions.

45. This Act shall not prohibit or render liable to prosecution any person who is registered in accordance with this Act to—

a) enter for the purpose of or in the course of practising as a designer , into partnership with other persons not registered in accordance with this Act;

b) engage in other professions or trades provided that he is competent to engage in such professions or trades and also provided that he does not contravene the provisions of this Act; or

c) obtain registration with other professional bodies.

Act to supersede other Acts.

46. This Act shall supercede any other Act on all matters relating to provision of interior design, graphic design and product design services.

Draft 2 for Review

FIRST SCHEDULE.

PROVISION AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE INSTITUTE

Conduct of business

1. 1) The Council shall hold as many meetings as may be necessary for the performance of its functions but in each financial year, it shall hold not more than one meeting in a period of three months.
2) Notwithstanding the provisions of sub-paragraph 1), the Chairperson may, and upon requisition in writing by at least six members, convene a special meeting of the Council at any time for the transaction of the business of the Council.
3) Unless three quarters of the total members of the Council otherwise agree, at least fourteen days' written notice of every meeting shall be given to every member of the Council.
4) The quorum at a meeting shall be at least two thirds of the members or such greater number as may be determined in respect of an important matter
5) The Cabinet Secretary, in consultation with the chairperson shall determine the date, time and place of the first meeting of the Council.
6) In the absence of the chairperson, the members present shall elect one of their members to preside, and the person elected shall have all powers of the chairperson with respect to that meeting and the business conducted.
7) Unless a unanimous decision is reached, a decision on any matter before the Council shall be by a majority of votes of the members present and voting and, in the case of an inequality of votes, the chairperson or the person presiding shall have a casting vote.
8) Subject to subparagraph 4), no proceedings of the Council shall be invalid by reason only of a vacancy among the members thereof.
9) Subject to the provisions of this Schedule, the council may determine its own procedure and the procedure for any committee and for attendance of any other persons at the meetings and may make standing orders in respect thereof

Vacancies in the Institute

2. 1) The office of a member of the council or a committee shall become vacant—
 - a. On the expiry of three years from the date of appointment, provided that the person vacating office shall not be eligible for re- appointment for a further and final term;
 - b. On the acceptance by the institute of his/her resignation, such resignation having been made in writing addressed to the chairperson;
 - c. If being a person registered ceases to be so registered;
 - d. be removed from office by the Cabinet Secretary on recommendation of the Council if the member—
 - i. has been absent from three consecutive meetings of the Council without its permission;
 - ii. is convicted of a criminal offence that amounts to a felony in Kenya;

- iii. is incapacitated by prolonged physical or mental illness for a period exceeding six months;
- iv. is otherwise unable or unfit to discharge his functions;
- v. is adjudicated bankrupt;
- vi. enters a scheme of arrangement with his or her creditors; and
- vii. ceases to be a resident in Kenya.

Committees of the institute	<p>Upon any such vacancy occurring, it shall be filled in accordance with this Act and subsequent rules made thereof.</p> <p>3. The Council may establish such committees as may be necessary for the performance of the functions of the Institute and may, subject to the provisions of this Act, delegate powers conferred on it to any such committee.</p>
Execution of instruments	<p>4. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the institute by any person generally or specially authorized by the Council or committee for that purpose.</p>
Disclosure of interest by Council / Committee members.	<p>5. 1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the institute and is present at a meeting of the institute at which the contract, proposed contract or other 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 contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.</p> <p>2) 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 council or 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.</p> <p>3) A member of the Council or any committee of the institute who contravenes subparagraph (1) commits an offence</p>
Minutes.	<p>6. The Council shall cause minutes of all resolutions and proceedings of meetings of the institute to be entered in books kept for that purpose.</p>
Tenure and vacation of office.	<p>7. 1) A council member, executive committee member or any other member of the committee, except an <i>ex officio</i> member, shall hold office for a term of three years but shall be eligible for re-appointment for one further term of three years.</p> <p>2) A member, other than an <i>ex officio</i> member may—</p> <ul style="list-style-type: none">a) at any time resign from office by notice, in writing, to the Cabinet Secretary;b) be removed from office by the Cabinet Secretary on recommendation of the council if that member—<ul style="list-style-type: none">i) has been absent from three consecutive meetings without the permission of the chairperson;

- ii) is convicted of a criminal offence and sentenced to imprisonment for a term of six months or more without an option of a fine;
- iii) becomes, for any reason including infirmity, incompetent or incapable of performing the functions of the office;
- iv) ceases to be a registered person under this Act; or
- v) is otherwise unable or unfit to discharge his functions.

**Committees
of the Institute**

8. 1) The council may establish committees which shall consist of such number of members as it may deem appropriate to perform such functions and duties as the council may determine.
- 2) The council shall appoint chairpersons of committees established under subsection 1) from among its members.
- 3) The council may where it considers appropriate, co-opt persons from outside the council by virtue of their knowledge or expertise in specific areas to be members of its committees:
Provided that the persons co-opted by the council shall be registered professional designer.
- 4) All decisions by the committees established under subsection (1) shall be ratified by the council.

SECOND SCHEDULE TRANSITIONAL PROVISIONS

In this Schedule—

"commencement date" means such a day as the Cabinet Secretary orders and declare in a *Gazette Notice*;

"Association" means any professional Association that promote design practice in Kenya and the Association is recognized by the relevant State Agency;

- Membership**
1. 1) On commencement date, a designer whose names appear in the register book of any association shall *ipso facto* and automatically become a member of the Institute as below;
 - a) A technician member or equivalent in an association shall become licentiate member upon recommendation of the association; in the respective chapter having paid requisite fee.
 - b) A graduate Member or equivalent in an association shall become a corporate member upon recommendation of the association; in the respective chapter having paid requisite fee.
 - c) A corporate member shall become a fellow member and a registered professional member upon recommendation of the association having paid requisite fee. The applicant shall not be required to undertake the Professional examinations pursuant to section 20 but rather apply to be considered for Professional registration.
 - 2) All acts and things done in the name of, or on behalf of designers by associations prior to commencement date shall be deemed to have been done by the respective Chapter.
- Governance**
2. 1) The first council members, executive committee members of the chapters, and any other committee of the institute shall be appointed by the Cabinet secretary from amongst members mentioned in 1) c) and shall serve for a period not exceeding two years
 - 2) The person in charge of a government department responsible for matters design shall oversee transition for a period specified in sub section 1) or when the first election shall be held; whichever comes first
- Foreign designers**
3. Foreign Designer being a person who is in Kenya for not more than two years before the commencement date shall apply to the Institute for registration within nine (9) months from the commencement date.
- Designers registration**
4. 1) A designer working in a public entity, international organizations operating in Kenya, non-governmental organization, branch office of a foreign registered company, or corporated firm and not mentioned in sub- section 1) is required within nine (9) months from the commencement date to register with the Institute.
 - 2) Sub-section 4) 1) shall apply to firms that practice design in Kenya.
 - 3) Foreign design firms or individuals who were practicing in Kenya prior to commencement date of this Act are required to comply within a transitional period of one year from the commencement date.

- 5.** After the transitional periods after the commencement of this Act no person may carry out business on or behalf of or hold himself/herself out as being a designer except in compliance with this Act.
- 6.** Violation of the provisions of this schedule shall be an offence and shall on conviction be liable to a fine not exceeding one hundred and fifty thousand shillings or imprisonment for a term not exceeding one year or to both.

Draft 2 for Review

**THIRD SCHEDULE:
DESIGNATIONS AND ABBREVIATION**

**Effect of
registration as
a professional
member**

1. 1) Every person whose name has been entered in the Register as a professional designer or shall, for as long as his name remains in the Register, be entitled to adopt and use the style and title 'Professional Interior Designer'; or 'Professional Graphic Designer' or 'Professional Product Designer' after his name or such contraction thereof as the council may, from time to time, approve and may offer his professional Interior Design, Graphic Design or Product Design services to the public for gain or reward or by way of trade or for employment in the design discipline or category in which he is registered.
2) 'Professional Interior Designer'; or 'professional Graphic Designer' or 'professional Product Designer' may have the sole discretion of using this title 'Designer' and /or "Fellow Member of Institute of Designers of Kenya " before their names.
3) Any person, other than a 'Professional Interior Designer' or 'professional Graphic Designer' or 'professional Product Designer' registered under this Act, who uses the title 'Designer' and /or "Fellow Member of Institute of Designers of Kenya " before their names commits an offence.

**Effect of
registration as
a chapter
member**

- 1) Every person who has registered with a chapter of the institute shall, for as long as his name remains registered with the chapter, be entitled to adopt and use the style and title after his name or such contraction thereof as the council may, from time to time, approve and may offer his Interior Design, Graphic Design or Product Design services to the public for gain or reward or by way of trade or for employment in the design discipline or category in which he is registered.
2. The designations of persons so registered under this sub section shall be as follows;
 - a) Technician member as "Tech. Member- Institute of Designers of Kenya" abbreviated as
 - b) Graduate member as "Graduate Member- Institute of Designers of Kenya" abbreviated as.....
 - c) Licentiate member as "Licentiate Member- Institute of Designers of Kenya" abbreviated as.....
 - d) Corporate member as "Corporate Member- Institute of Designers of Kenya" abbreviated as.....
 - e) Honorary member as "Honorary Member- Institute of Designers of Kenya" abbreviated as.....
 - f) Fellow member as "Fellow Member- Institute of Designers of Kenya" abbreviated as.....
 - g) Visiting Member as "Visiting Member- Institute of Designers of Kenya" abbreviated as.....

MEMORANDUM OF OBJECTS AND REASONS.

The objective of this Bill is to provide legal and institutional framework for training, registration and licensing of designers. The Bill further seeks to regulate the practice of designers and provide for the establishment, powers and functions of the Institute of Designers of Kenya.

The establishment and operationalization of the institute shall increase the levels of professionalism of designers and promote higher standards of accountability for their actions.

PART I—contain the preliminary provisions.

PART II—contains provisions on the establishment of the Institute of Designers of Kenya. Clause 3 and 4 defines members of the institute and provide for its functions respectively.

PART III—contain provisions on management of the Institute. Clause 6 establishes the council to govern the institute and clause 7 defines powers of the council.

PART IV— contain provisions relating to chapters of the Institute

PART V— contain provisions relating to training of professional designers.

PART VI— contain provisions registration of professional designers. Clause 12 on registrar of the institute, Clause 18 and 23 on Professional member’s classification and Professional Conduct

PART VII—contains disciplinary provisions with Clause 25 establishing disciplinary committee to which references of professional misconduct may be submitted.

PART VIII —contains financial provisions.

PART IX—contains provisions on the exercise of delegated powers by the Council

PART X—contains miscellaneous provisions.

The First Schedule sets out regulations for the conduct of the business and affairs of the Institute .

The Second Schedule is on transitional clauses

The enactment of this Bill into an Act will not occasion additional expenditure of public funds since institute of designers is a self sustaining institution from its operations.

Dated