



THE REPUBLIC OF KENYA

LAWS OF KENYA

THE RADIOGRAPHERS ACT

CAP. 253F

Revised and published by the National Council for Law Reporting
with the authority of the Attorney-General as gazetted by the Government Printer

www.kenyalaw.org

Kenya

Radiographers Act

Cap. 253F

Legislation as at 31 December 2022

By [Kenya Law](#) and [Laws.Africa](#). Share widely and freely.

www.kenyalaw.org | info@kenyalaw.org

FRBR URI: [/akn/ke/act/2022/28/eng@2022-12-31](#)

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution NonCommercial ShareAlike 4.0 License ([CC BY-NC-SA 4.0](#)). This license enables reusers to distribute, remix, adapt, and build upon the material in any medium or format for noncommercial purposes only, and only so long as attribution is given to the creator. If you remix, adapt, or build upon the material, you must license the modified material under identical terms. CC BY-NC-SA includes the following elements:

- BY: credit must be given to the creator.
- NC: Only noncommercial uses of the work are permitted.
- SA: Adaptations must be shared under the same terms.

Share widely and freely.

Radiographers Act (Cap. 253F)
Contents

- Part I – PRELIMINARY 1
 - 1. Short title and commencement 1
 - 2. Interpretation 1
- Part II – THE RADIOGRAPHERS BOARD OF KENYA 1
 - 3. Establishment of the Board 1
 - 4. Functions of the Board 2
 - 5. Powers of the Board 2
 - 6. Composition of the Board 3
 - 7. Conduct of business and affairs of the Board 3
 - 8. Delegation by the Board 3
 - 9. Remuneration of Board members 3
 - 10. The Registrar 4
 - 11. Staff of the Board 4
 - 12. Protection from personal liability 4
- Part III – TRAINING AND REGISTRATION OF RADIOGRAPHERS 4
 - 13. Approved training institutions 4
 - 14. Protection from personal liability 5
 - 15. Registration 6
 - 16. Register 6
 - 17. Removal of names from the register 7
- Part IV – PROVISIONS RELATING TO PRIVATE PRACTICE 7
 - 18. Qualifications for private practice 7
 - 19. Application for practicing certificate 7
 - 20. Validity of practicing certificate 8
 - 21. Renewal of practicing certificate 8
- Part V – DISCIPLINARY PROVISIONS 8
 - 22. Disciplinary Committee 8
 - 23. Reference of matters to the Disciplinary Committee 9
 - 24. Functions of the Committee 9
 - 25. Procedure of the Committee 9
 - 26. Disciplinary measures 9
 - 27. Lifting of suspension 10
 - 28. Restoration of name in register 10

Part VI – FINANCIAL PROVISIONS	10
29. Funds of the Board	10
30. Financial year	10
31. Annual estimates	11
32. Accounts and audit	11
33. Investment of funds	11
34. Annual Report	11
Part VII – MISCELLANEOUS PROVISIONS	12
35. Certificates	12
36. Offences by partnerships or bodies corporate	12
37. Offences relating to registration	12
38. General penalty	13
Part VIII – PROVISIONS ON DELEGATED POWERS	13
39. Rules	13
FIRST SCHEDULE [s. 7(1)]	13
SECOND SCHEDULE [s. 16(2)]	15

RADIOGRAPHERS ACT

CAP. 253F

Published in Kenya Gazette Vol. CXXIV—No. 141 on 22 July 2022

Assented to on 21 June 2022

Commenced

Note: 12 months after the Date of publication in the Gazette

[Revised by [24th Annual Supplement \(Legal Notice 221 of 2023\)](#) on 31 December 2022]

AN ACT of Parliament to make provision for the training, registration and licensing of radiographers; to regulate their practice; to provide for the establishment, powers and functions of the Radiographers Board of Kenya; and for connected purposes

Part I – PRELIMINARY

1. Short title and commencement

This Act may be cited as the Radiographers Act, 2022, and shall come into force twelve months after publication in the *Gazette*.

2. Interpretation

In this Act, except where the context otherwise requires -

"**approved institution**" means the Kenya Medical Training College, institutions established under the Universities Act, [No. 42 of 2012](#) and the Technical and Vocational Education and Training Act, [No. 29 of 2013](#) and such other training institution as the Board may approve;

"**Board**" means the Radiographers Board of Kenya established under [section 3](#);

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

"**radiation**" includes both ionizing and non-ionizing radiation;

"**radiographer**" means a person registered under this Act as such;

"**radiography**" means the use of radiant energy, ionizing or non-ionizing radiation for medical, forensic, veterinary, industrial and research purposes;

"**register**" means the register of radiographers maintained under [section 16](#);

"**Registrar**" means the Registrar appointed under [section 10](#).

Part II – THE RADIOGRAPHERS BOARD OF KENYA

3. Establishment of the Board

- (1) There is established a Board to be known as the Radiographers Board of Kenya.
- (2) The Board shall be a body corporate 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 or disposing of both movable and immovable property;
 - (c) borrowing and lending money;
 - (d) entering into contracts; and
 - (e) doing or performing all such other acts necessary for the proper performance of its functions under this Act, which may be lawfully done performed by a body corporate.
- (3) The headquarters of the Board shall be in Nairobi or such other place as the Board may, by resolution, determine.

4. Functions of the Board

- (1) The object and purpose for which the Board is established is to exercise supervision and control over the training and practice of radiography in Kenya and to advise the Government in relation to all aspects thereof
- (2) Without prejudice to the generality of subsection (1) the Board shall —
- (a) prescribe the minimum educational requirements for persons wishing to be registered radiographers under this Act;
 - (b) consider and approve the qualifications of radiographers for the purposes of registration under this Act;
 - (c) cause to be maintained a register of all persons registered and licensed to practice radiographers in accordance with this Act;
 - (d) license the private practice of radiographers;
 - (e) establish and maintain a professional code of conduct for all persons registered under this Act;
 - (f) regulate the professional conduct of registered radiographers and take such disciplinary measures as may be appropriate to maintain proper professional standards;
 - (g) establish, approve and accredit programs for continuing professional educational programs;
 - (h) cause to be published in the *Kenya Gazette* every calendar year or on such other period as may be prescribed, the names of all registered radiographers; and
 - (i) perform such other function as may be provided for in this Act or any other written law.

5. Powers of the Board

- (1) The Board shall have all powers necessary for the proper performance of its functions under this Act.
- (2) Without prejudice to the generality of subsection (1), the Board shall have power to —
- (a) control, supervise and administer its assets in such manner and for such purpose as best promotes the purpose for which the Board is established;
 - (b) determine the provisions to be made for its capital and recurrent expenditure and for its reserves;
 - (c) receive any grants, gifts, donations or endowments and make legitimate disbursements there from;
 - (d) enter into association with other bodies or organisations within or outside Kenya as may be desirable or appropriate in furtherance of the purpose for which the Board is established;

- (e) open a banking account or banking accounts for the funds of the Board; and
- (f) invest any of its funds not immediately required for its purposes in the manner provided in [section 33](#).

6. Composition of the Board

- (1) The Board shall consist of -
 - (a) a chairperson appointed by the Cabinet Secretary from amongst the persons nominated under paragraph (g);
 - (b) the Principal Secretary responsible for health or a designated representative dealing with radiography not below the level of Chief Radiographer;
 - (c) the Director of the Kenya Medical Training College or a designated representative not below the level of a Deputy Director;
 - (d) the Director General of the Kenya Nuclear Regulatory Authority or a designated representative;
 - (e) one person nominated by the Kenya Medical Practitioners and Dentists Council;
 - (f) the Chairperson of the Society of Radiography in Kenya;
 - (g) three radiographers competitively and transparently nominated by the Society of Radiography in Kenya, who shall include—
 - (i) one radiographer working in the private sector;
 - (ii) one radiographer working in the county governments;
 - (iii) one radiographer working in the national government; and
 - (h) the Registrar who shall be the secretary to the Board.
- (2) A person shall not be appointed as chairperson of the Board unless such person—
 - (a) is registered under this Act as a radiographer;
 - (b) is a radiographer of not less than ten years standing; and
 - (c) meets the requirements of Chapter Six of the Constitution.

7. Conduct of business and affairs of the Board

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

8. Delegation by the Board

The Board may, by resolution generally or in any Delegation by the particular case, delegate to any committee of the Board the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act.

9. Remuneration of Board members

The Board shall pay its members such allowances for expenses as may be determined by the Cabinet Secretary upon the advice of the Salaries and Remuneration Commission.

10. The Registrar

- (1) There shall be Registrar who shall be appointed by the Board and whose terms and conditions of service shall be determined by the Board upon the advice of the Salaries and Remuneration Commission.
- (2) No person shall be appointed under this section unless such person has—
 - (a) a university degree from a recognized university;
 - (b) at least five year's post qualifications working experience; and
 - (c) is qualified to be registered under this Act as a radiographer.
- (3) The Registrar shall—
 - (a) be an *ex-officio* member of the Board and shall have no voting rights at any meeting of the Board;
 - (b) hold office for a period of five years on such terms and conditions of employment as the Board may determine and shall be eligible for re-appointment for one further term;
 - (c) subject to the directions of the Board, be responsible for the day to day management of the affairs and staff of the Board; and
 - (d) perform such other functions as may be provided for under this Act.

11. Staff of the Board

The Board may —

- (a) appoint such officers and other staff as may be necessary for the proper discharge of its functions under this Act, upon such terms and conditions of service as the Board may determine upon the advice of the Salaries and Remuneration Commission; and
- (b) engage experts and resource persons whenever necessary for the discharge of its functions under this Act.

12. Protection from personal liability

- (1) No matter or thing done by a member of the Board or agent of the Board shall, if the matter or thing is done *bona fide* for executing the functions, powers and duties of the Board under this Act, render the member or agent or any person acting on their directions personally liable to any action, claim or demand whatsoever.
- (2) The provisions of subsection (1) shall not relieve the Board of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interest causes by the exercise of any power conferred by this Act, or by the failure, whether wholly or partially, of any works.

Part III – TRAINING AND REGISTRATION OF RADIOGRAPHERS

13. Approved training institutions

- (1) No person being in charge of a training institution in Kenya shall —
 - (a) admit persons for training with a view to qualifying for registration under this Act;
 - (b) conduct a course of training or administer the examination prescribed for the purposes of registration under this Act; or

- (c) issue any document or statement implying that the holder has undergone a course of training or passed the examinations prescribed by the Board for purposes of registration, unless such institution is established or accredited under the Universities Act, [No. 42 of 2012](#) or the Technical and Vocational Education Act, [No. 49 of 2013](#).
- (2) A person who contravenes any of the provisions of subsection (1) commits an offence and shall, on conviction, be liable to a fine not more than five million shillings, or to imprisonment for a term not less than two years, or to both.
- (3) The Board shall publish a list of the training institutions approved under the Universities Act, [No. 42 of 2012](#) and the Technical and Vocational Education and Training Act, [No. 29 of 2013](#).

14. Protection from personal liability

- (1) Subject to the provisions of this section, a person shall be eligible for registration under this Act as a radiographer if the person –
 - (a) is the holder of a qualification which is recognized by the Board;
 - (b) after obtaining that qualification, has engaged in training employment under the supervision of a registered radiographer for such period, being not less than one year, as the Board may approve; and
 - (c) satisfies the Board that while engaged in training employment as specified in paragraph (b), has acquired sufficient knowledge of, and experience in the practice of radiography.
- (2) A person who is the holder of a qualification from an accredited institution outside Kenya shall be eligible for registration under this Act as a radiographer if the person—
 - (a) is the holder of a qualification obtained from an institution that is accredited and recognized by the regulating authority responsible for the registration of radiographers in the country of study;
 - (b) has engaged in radiography practice under the supervision of a radiographer registered by the Board for such period, being not less than twelve months, as the Board may approve; and
 - (c) meets such requirements for a course leading to a qualification in radiography as determined by the Board from time to time pursuant to [section 4\(2\)\(a\)](#).
- (3) Where the Board finds that a person has not completed all courses prescribed pursuant to [section 4\(2\)\(a\)](#), the Board shall require that person to –
 - (a) attend such interview as may be appropriate;
 - (b) undergo an oral or written examination or both;
 - (c) take the courses required in an institution recognized and approved by the Board prior to engaging in supervised practice.
- (4) Despite subsection (3), all qualifications issued by a university or institution accredited under the Universities Act, [No. 42 of 2012](#) or the Technical and Vocational Education Training Act, [No. 29 of 2013](#) shall be recognized by the Board.
- (5) The Board may, after assessing the suitability for registration of a person under subsection (1) and (2), direct that before registration, the person shall undergo such further period of training or pass such examination in an institution accredited under the Universities Act, [No. 42 of 2012](#) or Technical and Vocational Education and Training Act, [No. 29 of 2013](#).
- (6) The Board shall not authorize the registration of a person unless it is satisfied –
 - (a) that the requirements of subsection (1) or (2) have been fulfilled; or

- (b) in the case of a person referred to in subsection (3), that the requirements of subsection (5) have been fulfilled and that the person has undergone any further period of training or passed any examination specified by the Board.
- (7) The Board may, where it considers it expedient, delegate the assessment of suitability for registration under subsection (2) to a committee of the Board which shall, after making the assessment, make recommendations to the Board.

15. Registration

- (1) A person trained in an approved institution in Kenya wishing to be registered under this Act shall apply for registration to the Board.
- (2) An applicant for registration who is a graduate of a foreign school of radiography shall furnish evidence satisfactory to the Board that the applicant —
 - (a) has completed a course of study in radiography which is substantially equivalent to that provided accredited program approved by the Board;
 - (b) is a graduate of an institution, college or university recognized by the Board;
 - (c) is registered or is eligible for registration in the country of study;
 - (d) has engaged in radiography practice under the supervision of a radiographer registered by the Board for such period, being not less than twelve months, as the Board may approve; and
 - (e) has successfully completed a written examination approved by the Board.
- (3) An application for registration under this section shall be in the prescribed form and shall be accompanied by the prescribed fee.
- (4) The Board shall register every qualified person by such particulars as the Board may prescribe, in the appropriate register kept for that purpose pursuant to [section 16](#).
- (5) Every person registered under subsection (4) shall be issued with a certificate of registration.

16. Register

- (1) The Registrar shall maintain a register for persons registered under this Act.
- (2) The register maintained under subsection (1) may be in such form as may be prescribed, containing the categories specified in the Second Schedule and different registers may be kept for different specializations of radiographers as follows—
 - (a) medical radiographers;
 - (b) forensic radiographers;
 - (c) veterinary radiographers;
 - (d) industrial radiographers; and
 - (e) such other specialization of radiographers as may be prescribed.
- (3) The Registrar shall —
 - (a) not later than the thirty first day of March in every year, publish in the *Gazette*—
 - (i) the names and addresses;
 - (ii) qualifications; and
 - (iii) categories of all registered radiographers;

- (b) subject to the directions of the Board, cause to be published any amendments or deletion from the registers.
- (4) Every registered radiographer shall notify the Registrar of any change in the registered address.
- (5) The Registrar may, with the consent of the person concerned, remove from the register the name of a person who has ceased to practice.
- (6) A name removed from the register under subsection (5) may, at the request of person concerned, on the approval of the Board and on payment of the prescribed fee, be reinstated by the Registrar.
- (7) Any person may inspect the register and any documents relating to any entry there in, and may obtain from the Registrar, a copy of, or an extract from the registers on payment of the prescribed fee.

17. Removal of names from the register

- (1) The Registrar shall remove from the register—
 - (a) the names of all deceased persons;
 - (b) the names of all persons removed from the register under the Act; and
 - (c) any entries fraudulently or erroneously made.
- (2) The Registrar shall, as soon as reasonably practicable cause then a me and address of every person whose name is removed from the register under this section, to be published in the *Gazette*.

Part IV – PROVISIONS RELATING TO PRIVATE PRACTICE

18. Qualifications for private practice

- (1) Subject to this Act, no person shall engage in private practice as a radiographer unless the person holds a valid practicing certificate issued under this Act.
- (2) For the purposes of this Act, a person shall be deemed to engage in private practice if the person practices as a radiographer —
 - (a) on the person's own account and is entitled to receive the entire amount of all fees and charges earned for the person's own financial benefit;
 - (b) in partnership with others and is entitled to receive a share of the profits earned by such partnership and is liable to bear as hare of any losses incurred by such partnership, but no person shall be deemed to engage in private practice where he is employed —
 - (i) by the Government or any other public body;
 - (ii) by a state corporation as defined by the State Corporations Act ([Cap. 446](#)); or
 - (iii) by any person or partnership engaged in his profession where all fees and charges earned by him are to the benefit of his employer, notwithstanding that he is engaged in his professional capacity as a radiographer.
- (3) A person who engages in private practice as a radiographer contrary to the provisions of this section commits an offence and shall, on conviction, be liable to a fine not more than one million shillings, or to imprisonment for a term not less than one year, or to both.

19. Application for practicing certificate

- (1) An application for a practicing certificate shall be made to the Registrar in such form as may be prescribed.

- (2) Every application under this section shall be accompanied by —
 - (a) the prescribed fee; and
 - (b) evidence that the applicant has complied with the prescribed continuous professional development programmes.
- (3) The Board shall, where the applicant —
 - (a) satisfies the requirements of subsection (2);
 - (b) is duly registered under this Act; and
 - (c) is not for the time being suspended from practice, within sixty days of receipt by the Board of the application, issue to the applicant a practicing certificate in the prescribed form.
- (4) The Registrar shall keep one copy of every application delivered to him under this section.

20. Validity of practicing certificate

- (1) Every practicing certificate shall —
 - (a) bear the date on which it is issued and shall have effect from that day; and
 - (b) specify the area of practice of the radiographer within the categories specified in the Second Schedule.
- (2) A practicing certificate issued under this section shall be valid from the date it is issued and shall expire on the thirty first day of December of the year it is issued.
- (4) Where the name of the radiographer is removed or struck off the register, the practicing certificate, if any, shall expire forthwith.

21. Renewal of practicing certificate

- (1) A radiographer issued with a practicing certificate may apply for renewal of the certificate in the prescribed form at least thirty days before the date of expiry thereof.

Part V – DISCIPLINARY PROVISIONS

22. Disciplinary Committee

- (1) There is established a Disciplinary Committee of the Board which shall consist of —
 - (a) the Chairperson of the Society of Radiography in Kenya who shall be Chairperson of the Committee;
 - (b) the Principal Secretary in the Ministry responsible for health or his designated representative;
 - (c) two radiographers not being members of the Board, competitively and transparently appointed by the Cabinet Secretary of whom—
 - (i) one shall be in the public service;
 - (ii) one shall be from the private practice;
 - (d) the Attorney-General or a designated representative; and
 - (e) the Registrar who shall be an *ex-officio* member and the secretary of the Committee.
- (2) The quorum of the Committee shall be three members.

- (3) A member of the Disciplinary Committee shall hold office for three years and shall be eligible for reappointment for one further term of office.
- (4) The Board shall provide the Disciplinary Committee with such facilities and resources as are necessary to enable it to competently discharge its functions.
- (5) The Board shall pay to its members such remuneration, fees or allowances for expenses as it may determine, in consultation with the Cabinet Secretary.

23. Reference of matters to the Disciplinary Committee

The Board may refer a matter to the Disciplinary Committee if it has reason to believe that a person registered under this Act has been, either before or after the committee, was registered –

- (a) convicted of an offence punishable by imprisonment for more than six months, the commission of which in the opinion of the Board, has dishonoured him in the public estimation;
- (b) guilty of negligence or professional misconduct in respect of his or her profession; or
- (c) guilty of impropriety or misconduct in respect of his or her profession.

24. Functions of the Committee

The functions of the Committee shall be to inquire into any matter referred to it by the Board under [section 23](#) and to make its recommendations thereon to the Board.

25. Procedure of the Committee

- (1) Upon an inquiry by the Committee, the Procedure of the radiographer subject to the inquiry shall be afforded committee, opportunity to be heard either in person or through an advocate.
- (2) For the purpose of proceedings at any inquiry by the Committee, the Committee may administer oaths or affirmations and may, subject to any rules made under [section 39](#), enforce the attendance of persons as witnesses and the production of any books or other documents relevant to the inquiry.
- (3) The Committee shall, subject to any rules made under this Act, have power to regulate its own procedure in any disciplinary proceedings.

26. Disciplinary measures

- (1) Where on the recommendations of the Committee the Board is satisfied that a radiographer is in breach of any of the terms or conditions prescribed by the Board under [section 25](#), the Board may—
 - (a) impose a fine which the Board deems appropriate in the circumstances;
 - (b) issue the radiographer with a letter of admonishment;
 - (c) suspend the registration certificate of the radiographer for a specified period not less than three months but not exceeding twelve months;
 - (d) withdraw or cancel the practicing certificate of the radiographer for a period not less than twelve months but not exceeding three years; or
 - (e) remove the name of the radiographer from the register.
- (2) The Board may order a radiographer to reimburse costs and expenses incurred in connection with a disciplinary hearing and such costs shall be a civil debt recoverable by the Board.
- (3) Where, after the hearing in disciplinary proceedings under this Act the Committee recommends to the Board that a radiographer is unfit to practice as a result of ill-health, the Board may, if satisfied with the Committee's recommendations, withdraw the certificate of registration or practising

certificate of the radiographer until such time as the Board is satisfied that the radiographer is fully recovered to resume his duties.

- (4) A radiographer who has been suspended from practice or whose license to practice has been withdrawn or cancelled shall, from the date of the suspension, withdrawal or cancellation, surrender his registration and practicing certificates and annual license to the Registrar.
- (5) A radiographer who refuses or fails to surrender his practising licence or certificates to the Registrar on request shall be guilty of professional misconduct and liable to a fine of not less than twenty thousand shillings by the Board.
- (6) A radiographer who is aggrieved by the decision of the Board in the exercise of its powers under this section may, within sixty days from the date of the decision of the Board, appeal to the High Court.

27. Lifting of suspension

- (1) A radiographer who has been suspended from practicing may appeal to the Board for the lifting of the suspension any time before the expiry thereof.
- (2) Where the Board is satisfied that the suspension of the radiographer should be lifted, the Board shall, upon the receipt of the prescribed fee, lift the suspension and restore to the radiographer, his registration and practicing certificates and his annual license.

28. Restoration of name in register

- (1) A radiographer whose name has been removed from the register may, after the expiry of a period of three years from the date of such removal, appeal to the Board for restoration of his name in the register.
- (2) The Board may, after considering the appeal made under subsection (1), cause the name of the applicant to be restored in the appropriate register, upon payment of the prescribed fee.

Part VI – FINANCIAL PROVISIONS

29. Funds of the Board

- (1) The funds of the Board shall comprise of—
 - (a) grants, gifts or donations that the Board may receive as a result of public and private appeal from local and international donor agencies for the purposes of carrying out its functions;
 - (b) monies appropriated by the National Assembly;
 - (c) such fees, monies or assets as may accrue to or vest in the Board in the course of the exercise of its powers or the performance of its functions under this Act or under any written law; and
 - (d) all monies from any other lawful source provided for or donated or lent to the Board.
- (2) The funds of the Board referred to in subsection (1) and its balances at the close of each financial year shall not be paid into the Consolidated Fund, but shall be retained by the Board for the purposes for which the Board is established.

30. Financial year

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

31. Annual estimates

- (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of revenue and expenditure of the Board for the financial year.
- (2) The annual estimates shall make provisions for all the estimated expenditure of the Board for the financial year concerned and in particular shall provide for –
 - (a) the payment of salaries, allowances and other charges in respect of the staff of the Board;
 - (b) the payments of allowances and any other emoluments to the members of the Board;
 - (c) the payment of pensions, gratuities and other charges in respect of retirement benefits of the staff of the Board;
 - (d) the proper maintenance of buildings, other equipment and other property and grounds of the Board;
 - (e) the acquisition, maintenance, repair and replacement of the equipment and other movable or immovable property of the Board; and
 - (f) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, where applicable, insurance or replacement of buildings or equipment, or in respect of such other matter as the Board may deem appropriate.
- (3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval and after the approval, the Board shall not increase the annual estimates without the consent of the Cabinet Secretary.

32. Accounts and audit

- (1) The Board shall cause to be kept all proper books and records of accounts relating to the income, expenditure, assets and liabilities of the Board.
- (2) Within a period of four months before the end of a financial year, the Board shall submit to the Auditor-General or to an auditor appointed under this section, the accounts of the Board together with—
 - (a) a statement of income and expenditure of the Board during that year; and
 - (b) a balance sheet of the Board on the last day of that year.
- (3) The accounts of the Board shall be audited and reported upon in accordance with the Public Audit Act, [No. 34 of 2015](#).

33. Investment of funds

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

34. Annual Report

- (1) The Board shall, within three months after the Annual report, end of each financial year, prepare and submit to the Cabinet Secretary an annual report of the operations of the Board for the immediate preceding year.
- (2) The Cabinet Secretary shall, upon receiving the annual report, cause the annual report to be laid before the National Assembly within three months of the National Assembly next sitting.

Part VII – MISCELLANEOUS PROVISIONS

35. Certificates

- (1) A certificate under the seal of the Board to the certificates, effect that a person is or was at any date registered under this Act shall be conclusive evidence of the facts so stated.
- (2) All certificates under the seal of the Board shall remain the property of the Board.
- (3) A person whose name is removed from the register, or in the case of a deceased person, his or her legal representative, shall, within thirty days of the publication of such removal, surrender the certificate of registration of that person to the Board.
- (4) A person who—
 - (a) destroys or defaces a certificate of registration;
 - (b) without reasonable excuse, is in possession of a certificate of registration not issued to him or her; or
 - (c) fails to surrender a certificate of registration under subsection (3), commits an offence and shall, on conviction, be liable to a fine not less than thirty thousand shillings, or to imprisonment for a term not exceeding three months, or to both.
- (5) A person who is in possession of a certificate of registration not issued to him, or fails to surrender such certificate under subsection (3) commits an offence and shall, on conviction, be liable to a fine not less than thirty thousand shillings, or to imprisonment for a term not exceeding three months, or to both.

36. Offences by partnerships or bodies corporate

- (1) Any act or omission which is an offence under this Act or any rules made hereunder shall, if done by a body corporate, be deemed to be an offence committed by every director, secretary or manager of the body corporate unless proved that the offence was committed without consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his or her functions and the circumstance of the case.
- (2) If an offence under this Act or any rule made hereunder is committed by a partner in a firm, every person who, at the time of the commission of the offence, was a partner in that firm, or was purporting to act in that office shall be deemed to have committed the offence unless there is proof that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions and the circumstances of the case.

37. Offences relating to registration

- (1) No person shall practice as a radiographer in any institution or in any other place in Kenya unless that person is registered under this Act.
- (2) A person who contravenes the provisions of subsection (1) commits an offence and shall, on conviction, be liable to a fine not more than five hundred thousand shillings, or to imprisonment for a term not less than twelve months, or to both.
- (3) No person shall, while in charge of any institution or any other health organization in Kenya, allow a person who is not registered under this Act to practice as a radiographer in the institution.
- (4) A person who contravenes the provisions of subsection (3) commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand shillings or a term of not less than two years, or to both.

- (5) Any person who, in an application for registration, wilfully makes a false or misleading statement or presents a false certificate, commits an offence and shall, on conviction be liable to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term of not less than one year, or to both.

38. General penalty

A person convicted of an offence under this Act General penalty, for which no penalty is provided shall, on conviction, be liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding three months, or to both.

Part VIII – PROVISIONS ON DELEGATED POWERS

39. Rules

- (1) The Cabinet Secretary shall make rules, in consultation with the Board, generally for the better carrying into effect of any of the provisions under this Act.
- (2) Without prejudice to the foregoing, rules made under this section may provide for –
 - (a) anything required to be prescribed under this Act;
 - (b) the form and method of keeping the registers and other records under this Act;
 - (c) the forms and fees for the purposes of this Act;
 - (d) the form and method of conducting inspection, assessment, evaluation, examination or regulations required under this Act;
 - (e) the terms and conditions of the practice of a radiographer engaged in private practice, the services to be rendered by a radiographer in private practice, and the employment of radiographer in private institutions;
 - (f) any other matter that may be related to radiography practice in Kenya.

FIRST SCHEDULE [s. 7(1)]

PROVISIONS AS TO THE CONDUCT OF THE BUSINESS AND AFFAIRS OF THE BOARD

1. Tenure of office

The Chairperson or a member of the Board other than *ex-officio* members shall, subject to the provisions of this Schedule, hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for reappointment for one further term.

2. Meetings

- (1) The Board shall meet at least once every quarter and not more than three months shall elapse between one meeting and the next meeting.
- (2) Notwithstanding subparagraph (1), the Chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the Board at any time for the transaction of the business of the Board.
- (3) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days' notice in writing of a meeting shall be given to every member of the Board.
- (4) The quorum for the conduct of the business of the Board shall be half of the total members including the Chairperson or the person presiding.

- (5) In the absence of the Chairperson, the members present shall elect one of their number 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) Subject to subparagraph (6), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.
- (8) Subject the provisions of this Schedule, the Board may determine its own procedure and the procedure for any committee of the Board and for the attendance of other persons at its meetings and make standing orders in respect thereof.

3. Vacation of office

- (1) A member other than an *ex-officio* member may -
 - (a) at any time resign from office by notice in writing to the Cabinet Secretary; or
 - (b) be removed from office by the Cabinet Secretary on recommendation of the Board if the member—
 - (i) has been absent from three consecutive meetings of the Board 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; or
 - (iv) is otherwise unable or unfit to discharge his functions.

4. Quorum

- (1) Subject to subparagraph (2), the quorum of the meeting shall be two thirds of the members.
- (2) The quorum of the meeting shall not be less than five members.
- (3) A decision of the Board shall not be invalid by reason only of a vacancy among the members thereof.

5. Conflict of interest

- (1) If a member who has a personal or fiduciary interest in any matter before the Board and is present at a meeting of the Board or any committee at which such a matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of or vote on any question touching such matter.
- (2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.
- (3) No member or staff of the Board shall transact any business or trade with the Board.
- (6) A member of the Board who contravenes subparagraph (1) commits an offence and is liable to a fine not exceeding two hundred thousand shillings.

6. Contracts and instruments

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 Board by any person generally or specially authorized by the Board for that purpose.

7. Common seal

- (1) The affixing of the common seal of the Board shall be authenticated by the signature of the Chairperson and the Registrar and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the Chairperson and the Registrar.
- (2) The Board shall, by resolution in the absence of either the Chairperson or the Registrar in any particular matter, nominate one member to authenticate the seal of the Board on behalf of either the Chairperson or the Registrar.

SECOND SCHEDULE [s. 16(2)]**CATEGORIES OF PRACTICE**

Level of Practice	Level of Education
General practitioner	Diploma
Advanced Practitioner	Higher diploma or degree
Consultant Practitioner	Masters Degree
Fellow and Senior	Doctorate Degree