

**THE UNIVERSITIES (ESTABLISHMENT OF  
UNIVERSITIES)(STANDARDIZATION, ACCREDITATION AND  
SUPERVISION) RULES, 1989**

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## **THE UNIVERSITIES ACT (Cap. 210B)**

IN EXERCISE of the powers conferred by section 21 of the Universities Act, The Minister for Education, Science and Technology , after consultation with the Commission for Higher Education makes the following Rules:-

### **THE UNIVERSITIES (ESTABLISHMENT OF PRIVATE UNIVERSITIES) (STANDARDIZATION, ACCREDITATION AND SUPERVISION) RULES, 1989**

#### **PART I – PRELIMINARY**

- Citation.* 1. These Rules may be cited as the Universities (Establishment Universities) (Standardization, Accreditation and Supervision) Rules, 1989.
- Interpretation.* 2. In these Rules, unless the context otherwise requires-
- “accreditation” means confirmation that a university meets and continues to meet the standards of academic excellence set by the Commission evidenced by grant of charter under section 12 of the Act that a university meets and continues to meet the standards of academic excellence set by the Commission;

“certificates and diplomas” means post-graduate certificate and diplomas;

“Commission” means the Commission for Higher Education established under section 3 of the Act;

“private university” means a university established with funds other than public funds;

“public university” means a university maintained or assisted out of public funds;

“Secretariat” means the Secretary to the Commission appointed under section 5 of the Act;

“university” means any institution or center of learning by whatever name called, or however designated, having as one of its objects the provision of post-secondary education which intends to offer or is in fact offering courses of instruction leading to the grant of certificates, diplomas and degrees, and the expression “university education” shall be construed accordingly

*Application*

3. (1) These Rules shall apply to-

- (a) any private university;
- (b) any public university other than a public university established by an Act of Parliament;
- (c) any university established outside Kenya; and
- (d) any agent or agency of such a university as is specified in paragraphs (a), (b) and (c) operating or intending to operate as or on behalf of such university within Kenya.

(2) Except as may be expressly enacted to the contrary or otherwise provided, no university shall –

- (a) advertise or continue to advertise or in any manner hold itself out to the public as a university; or
- (b) admit or continue to admit students to or conduct course or programmes of instruction leading to the award of certificates, diplomas or degrees; or
- (c) otherwise embark upon or continue with any activity preparatory to the establishment of facilities for university education,

after the commencement of these Rules without the authority of the Commission or of any other person competent to grant such authority under The Act.

(3) Authority to operate in any of the ways specified in the paragraph (2) or to perform any other function consistent therewith shall not be issued except in the manner specified in these Rules.

## **PART II - REGISTRATION OF EXISTING UNIVERSITIES**

*Registration  
Procedure.*

4. All universities which had on the 1<sup>st</sup> August 1985 graduated at least one class of students shall, within six months of the commencement of these Rules, or within such extended period as the Commission may in writing permit, submit to the secretariat an application for registration in Form ACC/CHE 1 set out in the First Schedule, duly completed and certified by the administrative authority of that university.

*Preparation  
and effect of  
The register.*

5. (1) As soon thereafter as the period of the submission of Form ACC/CHE 1 is over, the Commission shall prepare and publish in the Gazette, a register of all universities to which rule 4 applies and and in respect of which details have been received, and shall in that publication, indicate in respect of each such university whether or not all particulars set out in the Form have been supplied.

(2) Any university which does not appear in the register prepared under paragraph (1) or whose particulars are incomplete in any respect whatsoever, or to which rule 4 does not apply shall, from the date of publication of that register, cease to operate or to perform functions consistent with those of a university.

*Proposal as to  
particulars  
and resources.*

(3) Notwithstanding paragraph (2), the Commission may, where good cause is shown, the onus whereof shall lie upon the applicant, permit a university whose particulars as entered in Form ACC/CHE 1 are incomplete, to operate for a further period of three months whereupon the university shall, unless all particulars are supplied cease to operate.

(4) All universities appearing in the register whose particulars are completed in terms of paragraphs (1) or (3) shall be issued with a certificate of registration in Form ACC/CHE 2 set out in the First Schedule bearing the seal of the Commission and such certificate shall constitute authority to continue operations until such time as it is suspended or revoked or until accreditation is granted in the manner set out in Part V.

(5) The provisions of rule 10 (1)(b) shall apply, *mutatis mutandis*, in respect of the suspension or revocation of a certificate of registration under this rule as they apply to the suspension or revocation of a letter of interim authority under that rule.

(6) Subject to Part III it shall be an offence for any person to administer or otherwise perform any function in furtherance of the aims and objects of a university whose operations have ceased in terms of paragraphs (2) and (3) of this rule.

### PART III – ESTABLISHMENT OF NEW UNIVERSITIES

Eligibility and application procedure.

6. (1) The following shall be eligible to apply to the Commission for authority to establish a university or, as the case may be, to constitute itself into a university in terms of this Part-

(a) any person who –

- (i) intends to be or is a sponsor of a university not being a university to which rule 3 applies: or
- (ii) is a corporate body having as one of its objects the provision of university education;

(b) any post-secondary institution intending to provide university education.

(2) Any person or institution eligible to apply for authority to establish or constitute itself into a university under this rule shall do so by submitting to the secretariat an application in Form ACC/CHE 3 set out in the First Schedule duly completed and certified by him or on its behalf by a person competent to do so.

Proposal as to particulars and resources.

7. (1) An application under rule 6 shall be accompanied with a proposal setting out-

- (a) the proposed name, location and academic character of that university;
- (b) the aims and objects consistent with the needs of university education in Kenya for which the university is to be established;
- (c) the form of governance through which the academic and administrative affairs of the university are to be conducted.
- (d) in outline, the academic programme or programmes intended to be conducted at that university.
- (e) the academic resources (including finances, staff, library services and equipment) appropriate to and adequate for the proposed academic programme or programmes to be conducted at that university which have been or can be procured and the manner in which these shall be maintained on a long term basis; and
- (f) timetable indicating the steps expected to be taken in the next three years towards the realization of the aims and objects for which the university is to be established.

(2) The Commission shall not process any application under rule 6 (2) unless the requirements of paragraph (1) of this rule are complied with.

Inspection and verification of resources. (8) (1) The Commission shall schedule a meeting or series of meetings with all applicants whose proposals are received at which examination of the available documentation or evidence in respect of the resources indicated therein shall be made and verified.

(2) The Commission may, if it is not satisfied with the documentation presented by an applicant, order a detailed and independent evaluation of the resources expected to be made available and shall, in that connection have power to order the production of such further information or documentation as would enable it to make a proper assessment of the matter.

(3) All costs associated with the verification and evaluation of resources under this rule shall be borne by the applicant.

Issue and effect of interim authority **9.** (1) Where after a full deliberation on the merits of each application the Commission is satisfied that-

(a) the particular given under rule 7 (1) do not in any way reproduce or otherwise duplicate those of an existing or prospective university;

(b) the resources declared under rule 7 (1) (e) are available or are likely to be available;

(c) the applicant is following realistic plans to achieve the aims and objects for which the university is to be established;

(d) the university when established is likely to attain and maintain standards set out in Part IV on a long-term basis; and

(e) the establishment of the university is in the interest of university education in Kenya.

it may accept the proposal and issue a letter under seal in Form ACC/CHE 4 set out in the First Schedule constituting an interim authority to operate in the manner specified in paragraph (2) until such time as it is suspended or revoked, or until accreditation is granted in the manner set out in Part V.

(2) A letter in Form ACC/CHE 4 shall authorize the person or institution named therein to make preparation towards the implementation of the proposal accepted under rule 9 paragraph (1) and, in particular to-

(a) set up a governing body for the university intended to be established;

(b) commence or continue the development of physical facilities;

(c) commence or continue assembly of academic resources;

(d) advertise the programme or programmes of instruction expected to be conducted at that university; and

(e) admit students to such programme or programmes as the Commission may specify.

(3) The name and particulars of every university in respect of which a letter of interim authority is issued under this rule shall be published in the Gazette.

Refusal suspension or revocation of interim authority. **10.** (1) The Commission may-

- (a) refuse to issue a letter of interim authority if it is satisfied that the person or institution who has applied for it is unlikely to procure the academic, physical and other resources necessary for the establishment of a viable university;
- (b) by notice published in the Gazette, suspend or revoke such a letter if-
  - (i) the person or institution named therein has not within two years of issue made substantial progress in respect of the matters set out in rule 9 (2) or notifies the Commission of his or its intention not to proceed with the establishment of a university, or is, in any event, patently incapable of complying with the standards set out in Part IV; or
  - (ii) in the opinion of the Commission such fundamental changes have since occurred that had such changes been in existence at the time of its deliberations under rule 9 (1) the letter would not have been issued;

Provided that the Commission shall, in all cases of suspension, indicate the steps which the holder of that letter must take before interim authority can be restored.

(2) In all cases where a letter of interim authority is refused or revoked under this rule, the Commission shall not entertain any subsequent application by the same person or institution, or in respect of the same or substantially similar proposal within two years of that refusal or revocation unless good cause is shown, the onus whereof shall lie upon the applicant.

(3) The provision of rule 5 shall apply, *mutatis mutandis*, in the event of a refusal to issue or revocation of an interim authority under this rule as they apply in respect of universities whose operations have ceased under that rule.

#### **PART IV – PREPARATION OF INSTITUTIONAL STANDARDS**

Preparation of standards and general conduct. **11.** (1) The Commission shall prepare and publish in the Gazette a set of standards (herein referred to as “institutional standards”) governing the performance, operations and general conduct of all universities authorized to operate under these Rules and copies thereof shall be made available at cost to any member of the public desirous of obtaining one.

- (2) Notwithstanding the generality of paragraph (1), the institutional standards shall, in particular, set out-
  - (a) the minimum entry requirements for admission to any certificate, diploma or degree programmes being or to be offered at such university;
  - (b) the minimum number and duration of programmes at the certificate, diploma or degree level that ought to be offered;
  - (c) the minimum and maximum number of students which must be enrolled in each programme before it can be offered or efficiently maintained;

- (d) the standards of proficiency assessed in terms of content and contact hours which students are expected to attain in respect of a certificate, diploma, or degree programme;
  - (e) the level of academic training which persons seeking recruitment into the teaching staff of the university at the certificate, diploma or degree level possess;
  - (f) detailed specifications concerning the space requirements and concomitant services for each size class and for the absolute number of students expected to be enrolled in, or activity to be carried out in an institution providing university education and services; and
  - (g) the basic ethical standards that should regulate the conduct of all members of the university.
- (3) The Commission may, at the request of each university, indicate the specific steps to be taken towards the attainment of the standards referred to in paragraph (2).

Evaluation of performance and supervision 12 (1) Every university authorized to operate under these Rules shall, as long as such authority is in force, prepare and submit to the Commission-

- (a) an annual report of its activities in each year of operation; and
- (b) a detailed evaluation every three years of the steps it has taken towards the achievement of the aims and objects for which it was established.

(2) The Commission shall discuss all reports submitted pursuant to paragraph (1) and may make such comments or give such other instructions thereon for action by the university concerned.

(3) Comments made or instructions given by the Commission in accordance with paragraph (2) shall specify whether or not the institutional standards published under rule 12 (1) are being complied with.

Declaration of institutional Standards. 13 (1) The institutional standards contained in the Second Schedule are declared to have been prepared and published in accordance with rule 11(1).

(2) The Commission may add to, delete or otherwise amend the contents of the Second Schedule provided, however, that any amendment made in accordance with this paragraph shall be published in the Gazette.

## **PART V – THE PROCESS OF ACCREDITATION**

Criteria for accreditation 14. (1) Any university, being the holder of a certificate of registration or letter of interim authority issued in accordance with these Rules, may apply to the Commission for accreditation in the manner set out in these Rules provided that –

- (a) the certificate or letter-
  - (i) has been held for at least three years or for such other period as the Commission may in particular cases determine, whichever is the shorter period; and



(ii) has not been suspended or revoked; and

(b) the most recent assessment of the universities self-evaluation conducted under rule 12 (1) (b) indicates that the Commission is satisfied with the progress so far made in the design, implementation, or maintenance of an academic and administrative system acceptable in terms of the institutional standards prescribed under these Rules, and relevant to the needs of university education in Kenya.

(2) An application for accreditation shall, in addition to any other details the Commission may in each case specify, be accompanied with-

(a) a draft charter containing the particulars required to be supplied by private universities under section 13 of the Act;

(b) and-

(i) a list and academic qualifications of all members of staff on or expected to be on full-time employment with university;

(ii) a list of the total number of students that have been enrolled in each programme of instruction being offered at the university;

(iii) a statement of the size and quality of the library and equipment which have been developed for each programme being and to be offered at the university;

(iv) a statement of the financial resources that are available for the exclusive use of the university, certified by a person qualified to practice under the Accountants Act; and

(v) an inventory of the physical facilities including land that are available for the exclusive enjoyments of the university.

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15.(1) The Commission shall, before considering any application under rule 14, appoint an inspection committee with the power-

Appointment  
of an inspection  
an inspection  
committee

(a) to make enquiry into and for the purposes of ascertaining the veracity or or otherwise of the particulars submitted under rule 14(2)(b);

(b) to make enquiry into the general academic, administrative and social affairs of the university; and

(c) make such other investigation of relevance to the application as it may deem necessary.

(2) The inspection committee shall submit a factual and evaluative report to the Commission within six months of the date of its appointment.

16 (1) As soon as the report of the inspection committee appointed under rule 15 (1) is received, the Commission shall consider all documentation relevant to the application and shall indicate what revisions or amendments, if any, the university

Deliberations of  
the Commission.

concerned should be required to make before the merits thereof are assessed.

(2) Where after a full deliberation on the merits of each application the Commission is-

(a) satisfied that-

(i) the draft charter as submitted or amended forms a sound basis for the academic and administrative organization of the university; and

(ii) the university has effectively organized adequate human, physical, financial and other resources into an educational programme comparable to that of similar institutions authorized to operate in Kenya,

it shall recommend to the Minister that the university be accredited;

(b) not satisfied in the manner indicated in subparagraph (a), it shall refuse to recommend accreditation.

(3) The provisions of rule 10 (2) shall apply, *mutates mutandis*, in respect of the refusal to recommend accreditation under this rule as they apply to the refusal or revocation of interim authority under that rule:

Provided that the Commission shall not accept or entertain any application under this paragraph if that application has twice been considered and refused.

7 (1) In addition to the status conferred by reason of publication under section 14 of the Act, the certificates, diplomas and degrees conferred in respect of programmes of instruction offered in or by a university to which accreditation has been granted under these Rules and the Act shall be recognized as of comparable and equivalent merit to similar certificates, diplomas, and degrees awarded in respect of programmes offered in and by public universities in Kenya.

Effect of  
accreditation.

(2) The provisions of paragraph (1) shall extend and apply to all certificates, diplomas and degrees conferred by any university before the grant of accreditation as aforesaid provided that authority to operate under any of the provisions of these Rules had at no time been revoked or suspended before such grant.

(3) The Commission shall, in respect of all certificates, diplomas and degrees not covered by the provisions of paragraphs (1) and (2) establish a committee to advise on whether or not the same should be recognized in terms of those sections.

(4) Where after a full deliberation on the merits of each case transmitted to it under subparagraph (3), the Commission is satisfied that the certificates, diplomas or degrees in issue ought to be recognized, it shall publish a notice to that effect in the Gazette and such notice shall be irrevocable.

## PART VI – INSTITUTIONAL RIGHTS AND OBLIGATIONS

Rights of accredited universities 18. (1) Subject to rule 19, every university to which accreditation is granted under these Rules and the Act shall have full autonomy in the administration of its academic affairs and shall, so long as the same is not suspended or revoked, be under no obligation to accept instructions from any person or authority unless the same is expressly stipulated in its charter.

(2) Notwithstanding the generality of paragraph (1) but subject thereto, an accredited university shall have the right-

- (a) to determine who may teach and what may be taught and how it may be taught; and
- (b) to decide which persons have attained such standards of proficiency as to make them fit to be granted a certificate, diploma, degree or other award of the university.

Obligation of accredited universities. 19. (1) Every accredited university shall-

(a) ensure-

- (i) that the institutional standards prescribed under Part IV are, at all times, maintained;
- (ii) that all lawful instructions issued by the Commission or any other authority empowered to do so under the Act are complied with; and
- (iii) that no new programmes of instructions are mounted and regulations in respect thereof effected without the prior consent of the Commission.

(b) submit to such other modes of supervision including inspection and visitation and at such intervals as may be determined by the Commission.

Variation of charter 20 (1) A charter issued as evidence of accreditation to any university may be varied or revoked in the manner specified in section 16 of the Act.

(2) Subject to section 16 (3) of the Act, the provisions of rule 10 (1) (b) shall apply, *mutatis mutandis*, in the event of a revocation of a charter under the Act as they apply in respect of universities whose operations have ceased under that rule.

## PART VII – MISCELLANEOUS PROVISIONS

Imposition and payment of fees 21 (1) The fees specified in the second column of the Third Schedule shall be paid in respect of matters specified in the corresponding entry in the column of that Schedule.

(2) Unless the Commission otherwise agrees, fees in all cases shall be paid in cash.

(3) Fees once paid shall not be refunded.

Offences and penalties 22 (1) Any person found guilty of an offence under these Rules shall be liable to a fine not exceeding six thousand shillings or imprisonment for a term not exceeding twelve months or to both.

Appeals. 23 (1) Any person or institution who or which is aggrieved by an act or decision of the Commission taken in accordance with any of the provisions of these Rules, who desires to question that act or decision, or any part of it may, within thirty days of the date of such act or decision, appeal to the Minister who may give such orders or instructions as he may consider necessary.

(2) Notwithstanding the provisions of paragraph (1) the Minister shall not act on any appeal under this rule without further reference to the Commission.

(3) Any order, instruction or other decision made or issued by the Minister in accordance with this rule shall be final.

**FIRST SCHEDULE**

**FORM ACC/CHE 1**

(rr .4 and 5)

**APPLICATION FOR REGISTRATION OF AN EXISTING UNIVERSITY**

- 1. Name of university..... Location(s).....
- 2. Address..... Telephone.....
- 3. Name and designation of chief administrator.....
- 4. Governing body.....
- 5. Address of governing body.....
- 6. Principal academic focus or discipline.....
- 7. Number and type of programmes (i.e certificate, diplomas, degrees)
  - (a).....
  - (b).....
  - (c).....
- 8. Principal research focus.....
- 9. Names and qualifications of staff employed:.....
  - Permanent.....
  - Part-time.....
- 10. Number of students.....
- 11. Residential capacity for students.....
- 12. Physical facilities: (a) buildings: Permanent.....
  - Temporary.....
  - (b) Land: Owned.....(hec.)
  - Leased.....(hec.)
  - Other (specify).....(hec.)
- 13. Library capacity.....(volumes)
- 14. Other facilities(specify).....
- 15. Present budget: Capital Sh.....
  - Recurrent Sh. ....
- 16. Primary source(s) of funding (a) .....
  - (b).....
  - (c).....

I hereby make application for the registration of the above university under rule 4 of the Universities (Establishment of Universities) (Standardization, Accreditation and supervision) Rules, 1989:

Name:.....  
Designation.....  
Signature.....  
Full postal address.....  
.....  
.....

**FIRST SCHEDULE – (Contd.)**

**FORM ACC/CHE 2**

**(r.5)**

**CERTIFICATE OF REGISTRATION OF AN EXISTING UNIVERSITY**

This is to certify that-

Name of university.....

Administered or governed by .....

Postal address.....Telephone.....

being a university which had on 1<sup>st</sup> August, 1985, graduated at least one class of students is hereby registered and, by virtue thereof, authorized by the Commission to continue operations in accordance with and subject to the Universities Act (Cap.210B), and the Universities (Establishment of Universities) (Standardization, Accreditation and Supervision) Rules, 1989.

Registration Number.....

Gazette Notice Number.....

Date:.....

Dated this.....day of.....19.....

COMMISSION SECRETARY



FIRST SCHEDULE – (Contd.)

Form ACC/CHE 3

(rr.6 and 7)

APPLICATION TO ESTABLISH A UNIVERSITY

1. Name of applicant.....
2. Address .....Telephone .....
3. Name of proposed university .....
4. Proposed location(s).....
5. Proposed principal academic focus or discipline.....
6. Proposed programmes (i.e certificates, diplomas, degrees):
  - (a) .....
  - (b) .....
  - (c) .....
7. Available resources: Finance Sh.....
  - Land .....(hec.).....
  - Buildings .....
  - Other .....
8. Prospective resources: Finance Sh.....source(s).....
  - Land.....(hec.).....
  - Buildings .....
  - Other .....

I hereby make application for authority to establish a university under rule 6 and attach herewith the proposal required by rule 7 of the Universities (Establishment of Universities) (Standardization, Accreditation and Supervision) Rules, 1989.

Name .....

Designation.....

Authorized signature .....

Full postal address .....

.....

.....

**FIRST SCHEDULE – (Contd.)**

**FORM ACC/CHE 4**

**(r.9)**

**LETTER OF INTERIM AUTHORITY TO ESTABLISH A NEW UNIVERSITY**

Interim Authority is hereby given to-

Name .....

Address .....Telephone .....

to commence preparation for the establishment of a new university in accordance with rule 9 of the Universities (Establishment of Universities) (Standardization, Accreditation and Supervision) Rules 1989.

Application No. ....

Gazette Notice No. ....

Dated this .....day of....., 19....

COMMISSION SECRETARY





## **SECOND SCHEDULE**

**(rr.11 and 13)**

### **STANDARDS FOR PHYSICAL FACILITIES.**

#### **PART 1 – PRELIMINARY**

1. These Standards may be cited as the Physical Facilities Standards.
2. In these Standards, unless the context otherwise requires –

“a recognized water laboratory” means a laboratory registered with or belonging to the Public Health Department of the Ministry of Health, Ministry of Water Development, or any other public institution, person or organization duly authorized by the Government of Kenya to undertake Water analysis;

“adequate” means sufficient in relation to any set guidelines or requirements;

“adequate water supply” means water in such quantities as would permit maintenance of a reasonable level of personal and environmental hygiene;

“Building Code” means the Local Government (Adoptive By-laws) (Building) Order, 1968 and the Local Government (Adoptive By-laws) (Grade II Building) Order, 1968;

“classroom” means a room accommodating several students for the purpose of instructions;

“departmental areas” means offices occupied by teaching, administrative and secretarial staff of a teaching department of a university;

“full time students equivalent” (FTSE) means a number of hours of teaching required by one student to fulfill the requirements of the course in an academic year;

“masterplan” means a programme of a university showing the order of development of physical and academic aspects for a given period of time;

“physical facilities” means any structure fixed or movable or of whatever kind and any part thereof used or intended to be used for teaching, lecturing or instructing or as a dwelling house or for recreational and all ancillary facilities thereto including drainage works, services installations and road works;

“reader station” means space occupied by a student in a library;

“relevant local authority” means a city council, county council, municipal council or such local authority under whose jurisdiction a university is situated;

“research” means an investigative study of any physical, biological or social phenomenon through a systematic approach;

“research area” means a facility where research is carried out;

“residential university” means a university in which ten or more students are boarded;

“safe water supply” means a supply of water free from any contamination;

“sewage” means spent water emanating from toilets;

“students” means a person enrolled to pursue a degree, diploma or certificate course;

“site works” means a place where construction activities are carried out;

“surface water” means any ground water, subsoil water, storm water or rain water which discharges on the ground surface;

“utility services” means any service that is connected to any building or living space through pipe or wire network for helping to convey fluids, energy and messages, in and out of any building or living space;

“waste water” means any water after it has been fouled by a variety of uses and which constitutes a combination of liquid and water carried wastes, emanating from residences, toilets, kitchens, laundries, laboratories and workshops.

3. These Standards shall apply to-

- (a) all buildings or parts of buildings purposely designed and constructed for university use;
- (b) any alterations and extensions of university buildings or parts of the buildings;
- (c) all buildings undergoing material change of use into university buildings; and
- (d) all related utility services installations, and site works for a university.

4. These Standards are prescribed in respect of the following factors-

(a) Public health-

(i) application of by-laws, the Building Code and the Public Health Act;

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(ii) materials used in the building;

(iii) building lighting, ventilation and sound proofing;

(iv) building hygiene and sanitation;

(v) water supply and waste disposal.

(b) Public safety-

(i) structural soundness and stability;

(ii) fire safety-fire resistance, fire protection and safety pre-caution, fire fighting and fire escape.

(c) Physical facilities-

(i) building facilities including classrooms and lecture theatres, staff offices, research areas, seminar rooms, laboratories, workshops, studios, clinics, libraries, students

residences, staff residences, communal and social services areas such as worship, kitchen, dining, common rooms, recreational facilities;

(ii) utility and other services including water supply, power, telephone, external drainage and waste water service, access roads, parking and appropriate landscaping;

(iii) land including requirements and location ownership and tenure.

(d) Spatial requirements-

(i) the minimum size and floor areas for various buildings;

(ii) the minimum unit numbers of various types of buildings;

(iii) the locational relationship of various facilities.

## **PART II- MINIMUM STANDARDS**

5. Every university shall provide the following physical facilities to accommodate its activities-

- (a) classroom or lecture rooms;
- (b) departmental areas, staff offices and seminar rooms;
- (c) central administration offices;
- (d) library;
- (e) auditorium or lecture theatre;
- (f) staff common rooms
- (g) student common rooms with indoor recreation facilities;
- (h) outdoor recreation facilities in form of games or sports facilities;
- (i) drainage system, proper sanitation and water supply.
- (j) Dispensary.

6. Every residential university, shall, in addition to facilities to be provided under paragraph

(4) provide the following physical facilities-

- (a) kitchen and dining facilities;
- (b) student accommodation, including adequate laundry and storage facilities.

7. Every building used or intended to be used as part of the university physical facility shall comply with the requirements of the Building Code and provisions of the Public Health Act, in particular-

(a) the minimum requirements for health and safety of the public to which the premises of every university shall conform shall be those prescribed by the Local Government (Adoptive By-laws) Order, 1968, Group I or any amendments thereof, the Public Health Act and the requirements prescribed in the Schedule;

(b) any building designed and constructed for use as university building or any building altered or extended so as to be used as a university building or any building which has undergone material change of use into university building must be approved by the relevant location authority;

(c) all buildings and other physical facilities used by a university shall have evidence of-

(i) approval of drawings of the proposed buildings;

(ii) approval of alterations or extensions, if any; or

- (iii) approval of proposed change of user if any; and
- (iv) a certificate of occupation for the newly constructed or altered buildings.

### **PART III – PUBLIC SAFETY**

8. Every university shall operate in physical facilities that are safe for the public and in particular-
- (a) all buildings and other physical facilities used by a university to accommodate university activities shall be serviceable and functional;
  - (b) the buildings shall be kept in a good state of repair and maintenance and shall be free from structural failures, excessive deflection, cracking or dilapidation of building material fabric and components.
9. Every university which erects or causes to be erected a building or any other structure intended to accommodate university activities shall employ, for the purposes of architectural design a registered architect and for the purposes of structural design thereof, a registered structural engineer, and shall retain the services of such architect or structural engineer for the purposes of supervising the erection of such building and in particular-
- (a) on completion of construction of such building the architect or structural engineer shall provide a certification that the work or works have been carried out in accordance with the design and that it complies in all respects with the provisions of the building code and the appropriate codes of practice;
  - (b) all drawings in respect of the structural framework of steel buildings and calculations connected therewith, shall be signed by the registered structural engineer responsible for their design;
  - (c) where a university causes the erection of a building or structure of the type described in this paragraph it shall, in addition, employ on the site throughout the period of the construction a resident engineer who is capable of reading and interpreting the relevant project working drawings showing details of the design and of ensuring that the work is carried out in accordance with drawings and with the requirements of Building Code.
10. The standards specified in paragraph 8 shall apply to-
- (a) any building or structure of two storeys or more or in which provision may be made for future development of such number of storeys;
  - (b) any building or structure of whose storey height from ground floor to eaves level or ceiling is over 6 metres and with roof span greater than 10 metres;
  - (c) any building or structure in which any suspended structural floor panel beam or frame exceeds 6 metres in span;
  - (d) any building or structure in which a balcony is provided for purposes of public assembly.

11. (1) All buildings and other physical facilities used by a university to accommodate university activities shall provide adequate fire safety.

(2) All buildings and other physical facilities shall conform to the requirements of Building Code, the Public Health Act and other standard practices with regard to fire resistance, means of fire escape, standard practices with regard to the fire resistance, means of fire escape, access from fire escape and fire fighting equipment.

12. (1) All buildings used for university activities shall be provided with adequate, reasonable and easily accessible means of escape in the event of fire.

(2) All means of fire escape shall be properly maintained and kept free from any obstruction.

(3) For the purposes of this paragraph the guidelines given for Building Groups (I),(III) and(III and (VI) specified in the appendix to the Sixth Schedule of the Building Code shall apply.

13. In every building used by a university as a classroom, lecture theatre, seminar room, auditorium laboratory, library, dormitory or residential hall, there shall be provided adequate fire fighting equipment such as hosereels, portable fire extinguishers, fire buckets, dry risers, fire hydrants, sprinkles, and water storage tanks.

14. Where a university is located outside the area covered by Government or local authority fire station forming part of the university service area; and the equipment for the fire station shall be provided by the university for its use.

15. Every university shall be provided with a water supply system for fire fighting; and the water supply needs for emergency fire fighting purposes shall be drawn through the main water supply distribution system via a series of underground hydrants located at regular intervals throughout the site the university.

#### **PART IV – ACADEMIC BUILDING FACILTIES**

16. Every university shall provide classrooms which are adequate in number and shall be of adequate size; and in establishing the adequacy of classrooms, the minimum floor area per student specified in Table 1 shall be provided.

Table 1. Minimum classroom floor area per student.

No. of students	Space in square metres with desk and chair	Space in square metres with chairs only
0-29	1.9	1.9
30-39	1.9	1.4
40-59	1.7	1.3
60-99	1.7	1.2
100-149	1.7	1.0
150-299	1.5	0.9

17. The total usable space provided for classrooms shall be at the minimum rate of 0.65 square metre per full time students equivalent; and the university shall have enough classrooms for every course, provided that there shall be a minimum of two classrooms to each three-year course of study.

18. Every room used as a classroom shall be of sound construction and shall be provided with windows the effective area of which shall not be less than 20 per cent of the floor area of the room and 75 per cent of the window area shall be openable to the external air.

19. No room used as a classroom shall have a height of less than 2.60 metres from floor to ceiling, or where there is no ceiling to the wall plate.

20. Every room used as a classroom shall be provided with adequate, well illuminated writing surface at each seat and a place to set books and papers.

21. Every university shall provide adequate room to accommodate academic and non-academic staff offices and seminar rooms and in determining the adequacy areas, the following factors shall be taken into consideration-

- (a) the total usable space provided for use as departmental areas shall be not less than those specified in the following Table 2-

Table 2 – Minimum departments usable areas per FTSE

Course	Usable space in square metres per FTSE
Arts and Humanities based courses	2.8
Biological and Physical Sciences based courses	9.0
Human and Veterinary Medicine and related courses	15.0
Engineering, Surveying and related courses	10.0
Architecture, Planning, Building Technology, Design and related courses	10.0
Social Science based courses	2.8

- (b) the departmental offices shall comprise of the following minimum number number of offices-

- (i) one departmental office,
- (ii) one head of departmental office,
- (iii) one secretary's office,
- (iv) one general office for a staff secretary,
- (v) one office for every member of academic staff;

- (c) academic and non-academic member of staff offices shall have the

following minimum floor areas-

- (vi) head of department and professors: 18 square metres,
- (vii) academic staff: 13 square metres,
- (viii) non-academic staff: 7 square metres.

22. A university shall provide adequate central administration offices to accommodate the head administrator and support staff of the university and each constituent college; and in assessing the adequacy of administration offices the following factors shall be taken into account-

- (a) the total office space provided for use by administrative staff shall not be less than 0.55 square metres of sable office square for every full time student equivalent enrolled, provided the minimum total office space provided for the university's central administrative offices is 50 square metres;
- (b) no room used as an administrative office shall be less than seven (7) square metres in area;
- (c) the administrative offices shall be conveniently accessible from the main entrance to the campus so as to serve as the logical reception point for special guests as well as general visitors arriving at the campus.

23. Every university shall provide the following functional library areas whose adequacy shall be assed on the basis of the following floor are criteria-

- (a) the main reader area shall be equal to 30 per cent FTSE and each reader station shall not be less than 1.90 square metres;
- (b) each stack area shall be at least 10.75 square metres in extent per 1,000 volumes;
- (c) the periodicals and reference section shall be 10.75 square metres in extent per 1,000 volumes;
- (d) the minimum collection for university shall be 30 volumes per full time student for the first 5,000 full time students plus 20 per full time student for every student above 5,000 per constituent college library and 100 volumes per full time student for first 10,000 full time students for a university library;
- (e) the library staff and services areas shall constitute between 18 per cent to 25 per cent of the combined stack and reader floor area;
- (f) the library shall have adequate natural lighting and ventilation and in particular; the library shall be provided with windows, the effective areas of which shall not be less than 20 per cent of the floor area of the room and 75 per cent of the window area shall be openable to the external air;
- (g) from a functional point of view, the minimum ceiling heights of various user spaces in the library shall conform to the specifications contained in the following Table 3-

Table 3 – Minimum ceiling heights

Functional area	Minimum ceiling heights in metres
Reading areas under 10 square metres total floor area ... ..	2.3
Reading areas over 10 square metres total floor areas ... ..	2.9
Stack areas ... ..	2.3

(h) the library shall conform to the requirements for buildings in Group 1B, of the Sixth Schedule of the Building Code;

(i) every building used as a library shall provide sufficient doorways to ensure rapid exit in case of fire or other emergency,

24. Every university shall provide a building facility for public lectures or general assembly which shall be in form of an auditorium, a large lecture theatre or an assembly hall conforming to the following specifications-

(a) the assembly hall or auditorium shall provide adequate seating capacity for 50 per cent of the total student population enrolled, provided that the assignable space per seat shall conform to the specifications contained in the following Table 4-

Table 4 – Minimum space per seat in auditorium, lecture theatre and assembly hall

No. of Seats	Assignable space per seat in square metres
60-100 ... ..	0.9
100-150 ... ..	0.8
150-300 ... ..	0.7
300 ... ..	0.6

(b) the assembly hall or auditorium shall conform to the requirements for buildings in Groups IV and V in the Sixth Schedule of the Building Code.

**PART V- TEACHING LABORATORIES, HOSPITALS, WORKSHOPS AND STUDIOS**

25. A university conducting courses requiring the use of laboratories as part of instructional facilities shall, in addition to providing classrooms and lecture theatres provide adequate laboratory facilities.

26. In assessing the adequacy of laboratory facilities the following shall be taken into account-

(a) the provision of adequate laboratory facilities in close proximity to classroom or teaching facilities;



- (b) the provision of room for instructional workstations and each workstation per student conforming, where possible to the specifications contained in the following Table 5-

Table 5- Laboratory assignable space per FTSE

Laboratory Speciality	Assignable space per FTSE in square metres
Agriculture Science Laboratory ... ..	2.80 - 3.70
Building Science Laboratory ... ..	3.70 - 4.60
Biological Health and Veterinary Science Laboratory ...	2.70 - 4.60
Business Management Laboratory ... ..	1.90 - 2.80
Communication Laboratory ... ..	2.40 - 3.70
Education Laboratory ... ..	2.40 - 4.60
Engineering Laboratory (excluding mechanical) ... ..	3.70 - 6.50
Engineering Laboratory (Mechanical) ... ..	6.50 - 9.30
Fine Arts, Architecture and Design Studio ... ..	2.80 - 4.60
Home Economics Laboratory ... ..	2.80 - 4.60

- (c) the provision of storage, and preparatory rooms and laboratory office;
- (d) proper location in relation to other facilities such that the laboratory is easily accessible;
- (e) the provision of the following service facilities –
- (i) adequate windows which open to outside air in order to provide proper ventilation;
  - (ii) fume cupboards and fume hoods in the preparation and storage rooms;
  - (iii) standard table top electrical service outlets for the instructor’s table and for each pair of students workstation;
  - (iv) adequate lighting free of flare from exterior sunlight,
  - (v) surface treatment of floors, walls and ceiling to reduce noise;
  - (vi) a sink with hot and cold water service installation for the instructor’s table and for each pair of students workstation;
  - (vii) gas for the instructor’s table and for each pair of students' workstation:
- (f) the provision of the built-in furniture and equipment –
- (i) at least one student table of minimum 2000 x 300 x 760mm high,
  - (ii) at least one student table of minimum size 1500 x 560 x 760mm high for each pair of students workstation with adequate bench or stools or chairs;
  - (iii) chalkboard or tackboard, wall mounted
  - (iv) at least one corrosion resistant sink and eye-wash fountain.

27. A university offering medical courses shall have the necessary basic pre-clinical sciences together with the laboratory requirements specified in paragraphs 24 to 25 plus any specialized provisions for anatomy and pathology; and the university shall also have or secure

access to a teaching hospital easily accessible to students and equipped with the usual outpatient and inpatient facilities covering all specializations in medicine, surgery, obstetrics and gynecology, pediatrics, community health, as well as support facilities such as X-ray, radiotherapy, anesthetics and pathology, accessible to medical students:

Provided that where the hospital is not the property of the relevant university, adequate legal and administration arrangements shall be made in respect of such access.

28. The hospital shall have the necessary resources (human, physical, technical and financial) to meet professional and academic requirements.

29. The design of the teaching hospital shall conform to the requirements of the Ministry of Health in providing relevant health services, and in addition, the hospital buildings shall conform to the requirements for building under Group II of the Sixth Schedule of the Building Code.

30. A university offering Fine Art shall have a studio for drawing from life, general drawing, basic design painting, ceramic and film room; and it shall also have graphic photography print making studio, life painting, composition/still life studios; textile design and weaving, and sculpture studios and the university shall also have-

- (a) a ceramic glazing and testing laboratory, glass design and technology, silver smiting and jewellery and museology laboratory;
- (b) workshop space for modeling casting and woodcarving;
- (c) space for sculpture, garden outdoor wood burning kilns and such other facilities as may be specified by the Commission;
- (d) studio spaces and drafting room with adequate lighting;
- (e) photogrammetric laboratory;
- (f) remote sensing laboratory;
- (g) computing laboratory;
- (h) hydrographic laboratory workshop;
- (i) cartographic workshop;
- (j) photographic laboratory or workshop.

31. A university offering Urban and Regional Planning shall have adequate studio space for every year of study and the university shall also have a model making workshop.

32. A university offering Building and Building Technology shall have studio space for every year of study and the university shall also have-

- (a) for every year of study, workshops for carpentry and joinery, mechanical works and welding, masonry and concrete works and electrical wiring and building services;
- (b) laboratory space for each course of study for materials sciences, structures and services;
- (c) spaces for demonstration units in various building construction techniques.

33. The facilities specified in paragraphs 29 and 31 may be shared between years of study and between courses or they may be assigned on the basis of faculties.

34. A university offering Architecture shall have design studios for each class with adequate individual workspace at the rate of 2.5 square metres per work station and the university shall also have-

- (a) a modeling workshop with equipment enough for at least two class years;
- (b) an architectural science laboratory with sufficient equipment;
- (c) a photographic laboratory;
- (d) one material testing workshop;
- (e) one wood working workshop;
- (f) spaces within the overall premises of the department for external activities such as those required for workshops fabrication and for erection of building components and for testing their exposure of weather activities.

35. A university offering Home Economics shall have laboratories consisting of the following user areas-

- (a) food analysis to the extent of 5 square metres per student workstation;
- (b) food storage and preparation to the extent of 1.5 square metres per student workstation;
- (c) sewing and crafts to the extent of 4 square metres per student workstation;
- (d) sewing and craft storage and dressing to the extent of one square metre per student workstation;
- (e) child development with its own storage room, office, open play, cleaning up and observation rooms.

36. Every food laboratory shall be provided with installation adequate for instructions in food preparation, cooking and services using a variety of cooking energy sources; electricity, gas and wood. Home care laboratories shall also be equipped with laundry and ironing facilities.

37. A university offering Agriculture shall, in addition to the laboratory specifications, specified in paragraph 25; have at least ten hectares of land set aside as a university farm over and above that stipulated for an ordinary university.

## **PART VI – CATERING AND ACCOMMODATION**

38. A residential university shall provide adequate, well lighted and ventilated accommodation for cooking, serving and eating meals.

39. In assessing the adequacy of these facilities, the following factors shall be taken into account-

- (a) the provision of the following functional areas-
  - (i) food preparation of not less than 0.50 square metres per student;
  - (ii) dish washing and serving areas, of not less than 0.50 square metre per student;
  - (iii) kitchen storage of not less than 0.50 square metres per student;
  - (iv) kitchen staff and services area of not less than 0.50 square metre per student;
  - (v) a dining hall of not less than 1.25 square meter of floor area per student;
- (b) the provision of adequate facilities for cleaning utensils, and of suitable and sufficient

washing and sanitary facilities in form of lavatories, shower rooms, changing and cloakrooms for kitchen staff;

- (c) the provision of sufficient doors to ensure rapid exit in case of fire or other emergency.

40. Every university shall provide common rooms with adequate recreational facilities for staff and students.

41. Every residential university shall provide adequately lighted and ventilated student accommodation facilities and in particular-

- (a) no open rooms used as student accommodation shall accommodate more than four students;
- (b) the total floor area of the rooms shall not be less than the following per student-
  - (i) single room, 8.00 square metres;
  - (ii) double student room or cubicle, 7.00 square metres;
  - (iii) three or four student room 6.00 square metres;
- (c) every living room in the hall shall be located so as to get maximum benefit of outside light and air;
- (d) every room or hall shall be provided with vents in the walls in such a manner as to provide permanent ventilation;
- (e) sufficient doorways shall be provided in every student hall to ensure rapid exit in case of fire or other emergencies;

42. Every university shall have adequate water supply installed in accordance with the requirements of the Building Code and these Standards.

## **PART VII – UTILITY SERVICES**

43. Every university shall have adequate water supply installed in accordance with the requirements of the Building Code and these Standards.

44. In assessing the adequacy of the water supply for the university the following shall also be taken into account-

- (a) the wholesomeness of the water and in particular the fact that it is free from any contamination that may cause disease or injury to health, has no objectionable taste and odour, is aesthetically acceptable and has been certified as such by a recognized water laboratory;
- (b) the extent to which the quality of the water provided conforms to the requirements of the Kenya National Drinking Water Standards set out in the latest edition of the Water Supply Design Manual issued by the Ministry of Water Development;
- (c) the availability of a cold water storage facility in each building for domestic purposes

taken from the main supply to the buildings or a cold water storage tank in each building with sufficient capacity to meet not less than twenty four hours demand from the building's users or a minimum water demand of 1.50 litres per day per person;

- (d) the availability of a central cold water storage facility from the main water supply to the university or of a storage facility with sufficient capacity to meet not less than three days demand from the university community or a minimum water demand of 150 litres per day per person;
- (e) the availability of extra additional storage facility under sub-paragraph (d) in every university where animals are kept;
- (f) the provision and maintenance of an adequate cold water storage facility for fire fighting purposes at the rate of 10 litres per second continuous flow for two hours.

45. Every university shall provide appropriate and adequate wastewater collection, treatment and disposal system.

46. In assessing the adequacy of the waste water system the following shall be taken into account-

- (a) the availability of a satisfactory drainage system for water;
- (b) the availability of an adequate means of sewage and waste water disposal by means either of the relevant local authority main sewer or of septic tanks, conservancy tanks or stabilization ponds or cesspool constructed to specifications contained in the Building Code;
- (c) in the absence of adequate means of sewage and waste disposal the extent to which the quality of effluent of natural water bodies conforms to the National Standards for Effluent Discharge to Natural Streams;
- (d) evidence of approval by the relevant local authority or Ministry of Water Development or the Ministry of Health for all disposal systems other than those connected to a local authority's sewage system.

47. Notwithstanding the provisions of paragraphs 443 and 45 a university not connected to a local authority's sewage system shall have at least two hectares of land set aside for the construction of a sewage plant and the land shall be so situated as to ensure public health and safety from effluent originating from the plant.

48. Every university shall provide an adequate surface water collection and disposal system.

49. In assessing the adequacy of the disposal the following factors shall be taken into account-

- (a) the capability to drain and dispose of surface water in such a manner as to cause the least inconveniences or nuisance to the public;
- (b) the absence of surface run-off or stormwater from university buildings and related infrastructure such as roads, parking areas, and playing fields.

50. Every university shall provide, keep clean and maintain adequate and suitable sanitary conveniences, which conform in all respects to the requirements of the Building Code for students and all person working in the University and where students or other persons of both sexes are accommodated or are expected to be accommodated the conveniences shall afford proper separate facilities for persons of each sex.

51. In a day university, the following well lighted and ventilated closets, urinals, washhand basins and drinking water fountains shall be provided-

- (a) one W.C for every 8 female students;
- (b) one W.C. for every 10 male students;
- (c) one urinal stall for every 25 male students;
- (d) one washhand basin for every 16 students;
- (e) one drinking water fountain for every 12 students;
- (f) a sanitary disposal facility.

52. In a residential university the following well lighted and ventilated closets, urinals, washhand basins, bathrooms and drinking water fountain shall be provided-

- (a) one W.C. per every 15 male students;
- (b) one W.C per every 10 female students;
- (c) one urinal per every 10 students;
- (d) one washhand basin per every 10 students;
- (e) one bath or shower per every 10 students;
- (f) one bath or shower per every 8 female students;
- (g) one drinking water fountain for every 20 students;
- (h) a sanitary disposal facility.

### **PART VIII-LAND REQUIREMENTS**

53. Every university shall produce evidence of owning land capable of supporting a student population of at least 500 students and for the purposes of this paragraph the land area required to support a student population of 500 shall be 20 hectares.

54. Every university shall show evidence of owning land on freehold terms, or for a leasehold term of not less than 45 years; and the land shall, in addition-

- (a) be free from all encumbrances other than those of a statutory nature;

- (b) be vested in a trusteeship of university, which shall own such land as non-profit making body and in perpetual succession.

55. Each university shall be built on land parcels which are either a continuous holding or on individual land parcels that are contiguous to one another or in close proximity to each other;

Provided that in all cases where land parcels are not contiguous to one another-

- (i) they shall, in cases where the student population does not exceed 500, be situated at a distance not exceeding two kilometers from one another and be connected by a motorable road;
- (ii) the main university campus shall be built on a parcel of land not less than half the area required to house 500 students.

56. All parcels of land designed for university use shall be at least two hectares in size and all university buildings and facilities thereon shall conform to the minimum space and compound requirements stipulated in these Standards, the Building Code, the Public Health Act or any other legislation relating to the safeguarding of public safety and educational standards.

57. Land at the main campus and at all the other non-contiguous parcels shall be used only for university purposes, and for only such other uses as are necessary for supporting university activities; and the use shall, in addition, conform to a master plan prepared in accordance with these Standards and all applicable laws and designed in such a way that all building facilities and proposed developments are functionally related and compatible and all academic buildings, classrooms, libraries, laboratories, assembly halls, auditoriums, audiovisual center and other facilities are in close proximity to one another.

58. The masterplan shall, in addition to any other details required by law to be included, indicate-

- (a) the location of the existing and proposed university buildings;
- (b) the layout of all roads and pathways serving all buildings, which shall be such that the health and safety of the occupants and user of the university is not endangered;
- (c) the layout of all waste and soil drain pipes, sewers, culverts, septic tanks, stormwater drains, and run-off catchment drains so laid that the health and safety of all occupants and users of the university is not endangered;
- (d) the location of all areas to be used by all other activities related to the university such as sports fields, university farms, forests, arboreta and sewage treatment;
- (e) the layout of all telephone and electricity service lines shall be laid in a safe manner.

59. All administrative buildings shall be located on the main campus and must be so situated as to be clearly visible from the road approach.

60. The minimum total area set aside for open space and car park shall not be less than two hectares which area shall not incorporate land set aside for sporting facilities.

61. A university shall have or shall have access to at least one standard athletics track enclosing a football pitch, at least one standard lawn tennis pitch, one standard volleyball pitch, one standard badminton or tenniquoit pitch and one standard netball court.

62. For the purpose of paragraph 61 a university shall set aside at least five hectares of land for outdoor sports for the first five hundred students and at least two hectares for every additional two hundred students.

**THIRD SCHEDULE (R.21)**

**FEES**

(1)	(2)
	Sh.
On application for registration or establishment of a university.....	1,000
On issue of certificate of registration.....	5,000
On issue of a letter of interim authority.....	5,000
On issue of charter .....	10,000

Made on the 23<sup>rd</sup> February, 1989

**P.O. ARINGO**  
**Minister for Education.**