



**CONSTITUTION**

**OF**

**THE KENYA COUNCIL OF EMERGENCY MEDICAL  
TECHNICIANS, 2016**

## **PREAMBLE**

### **WHERE AS;**

We the members of the Kenya Council of Emergency Medical Technicians have desired to constitute ourselves as a distinct society under a framework of organization which shall secure for ourselves and our posterity the blessings of modesty and prosperity in Emergency Medical Services; while appreciating the diversity of backgrounds and cultures of members united by a common purpose, interest and aspirations in rendering Emergency Medical Care; and that,

- a) By the 8<sup>th</sup> August 1998 bombing of the American Embassy; as the precursor of the critical need for a panacea of effective and efficient management of various emergencies, incidents and disasters of various magnitudes in Kenya; various components of rescue teams, responders and stakeholders in management of emergencies in Kenya were identified; and that,
- b) The first 50 Emergency Medical Technicians in East and Central Africa were trained of which 20 of them were further trained as Emergency Medical Service Instructors (EMS-I). Subsequent interagency joint trainings of various rescue teams brought together an established and coordinated system of Emergency Medical Services (EMS) now managed in all its aspects by The Kenya Council of Emergency Medical Technicians (KCEMT) (hereinafter referred to as "The Council"); and that,
- c) By the Societies Act, CAP 108 of the Laws of Kenya (hereinafter "the Act") and the Rules there-under, The Council became a legally registered body under the hand and authority of the Registrar of Societies on March 6, 2009 and registration number 29837 with the mandate to achieve the aims and objectives as established herein and for all purposes as connected and ancillary thereto; and thus,
- d) The Council is a formally established group of Emergency Medical Service Providers and Personnel, representing Ambulance Providers, Fire and Rescue Services, Hospitals and other health institutions, who are dedicated to ensuring access to high quality Pre-hospital Emergency Medical Services to the residents and visitors of Kenya; and that,

- e) Further by the provisions of the Constitution of Kenya 2010, the Right to Emergency Medical Services is guaranteed under Article 43, in support of the mission, aims and objects of The Council; and that,
- f) Consequent upon the said Constitution of the society and in exercise of the powers bestowed upon The Council by Sections 19 and 20 of the Act, the society has deemed it necessary to revoke the current Constitution, Rules and Regulations of the society and to adopt a new Constitution, and a new set of Rules and Regulations to govern the society with effect from the said date in respect to the pertinent Resolution.

#### **NOW THEREFORE:-**

The Council hereby revokes the current Constitution of the Society and adopts the Constitution hereinafter set out to be the Constitution of the Kenya Council of Emergency Medical Technicians, superseding any other previous Constitutions and Rules of the Society with effect from the 1<sup>st</sup> day of July 2016; and that,

We, the aforementioned members calling ourselves The Kenya Council of Emergency Medical Technicians, do hereby resolve to solemnly ENACT, ADOPT and ORDAIN this Constitution and Rules there-under to guide and inspire us and bequeath it to our future generations and posterity.

#### **ARTICLE I: NAME**

- a) The name of this organization is the “**Kenya Council of Emergency Medical Technicians**” which shall be cited in short as “the KCEMT”
- b) This Constitution shall be cited as “The KCEMT Constitution, 2016”

#### **ARTICLE II OBJECTS**

The purpose of the Council is to co-ordinate Emergency Medical Technicians (hereinafter EMTs) in Kenya. In pursuit of this purpose, the other objectives of the Council are: -

- a) To initiate, co-ordinate and evaluate educational and training programmes in emergency medical care for Emergency Medical Technicians, Nurses, Physicians, Public

safety personnel and the general public.

b) Maintain an up to date EMTs' register

c) Publish a bi-annual Emergency Medical Service newsletter.

d) To determine what emergency medical care resources (manpower, facilities and operations existing within Kenya and to maintain an accurate index of these resources

e) To determine whether this resources can meet local, regional and national standards and are they sufficient in quality and quantity to meet the country's total emergency care needs.

f) To develop a plan and establish priorities for amplifying the strength and correcting the deficiencies of the system existing in Kenya

g) To act as a liaison among all emergency medical service agencies within Kenya and internationally

h) To make determinations of public need for the establishment of new ambulance services, invalid coach services and first response rescue services

i) To develop plans for funding emergency medical services system of Kenya from the public and provide sources in the immediate future and on a continuing basis

j) To advise the health planning agencies and organisations of local government with respect to emergency medical services in Kenya and to report periodically to these agencies its findings and recommendations

k) To work collaboratively with the Ministry Of Health to fulfil its responsibilities as defined in the Kenya's Public health law.

l) The Council will establish goals and objectives to be reviewed as an attachment to but not part of these by laws.

m) To organize EMS and other medical conferences, Training sessions and exhibitions as may be necessary.

n) Raise funds to run its activities as agreed by the executive committee in accordance with the laws of Kenya.

o) To provide a forum in which members can develop a knowledge base, share information, receive and give counsel, and serve as a resource to others interested in this area of emergency medicine in the areas of education, research, the practice of emergency medical services-pre-hospital care, networking, and collaboration.

p) To serve as an educational resource for medical students, EMTs and for certification in the area of emergency medical services-pre-hospital care.

## **ARTICLE III MEMBERSHIP**

### **SECTION 1**

a. The Council shall have a membership drawn from - The forces Memorial Hospital, Kenya air force, Kenyatta National Hospital, City council fire department and

Ambulance, St John Ambulance, Ministry of Health representative, emergency and rescue squads and the general public. All membership is subject to approval of the Executive committee.

b. Each member shall be classified according to any of the following categories:

- i. Member: Any person who is qualified as an EMT, and willing to subscribe to and practices the code of ethics of the KCEMT.
- ii. Honorary Member: Any person or organization of outstanding prominence who has made a significant contribution to the field of EMS.
- iii. Student Member: Any person currently enrolled in an accredited KCEMT program in Kenya.

## SECTION 2

- a. On becoming a member, one must pay an entrance fee of Kshs. 1000/= (One thousand) subsequently, every member shall pay an annual subscription of Kshs 2500/= (Two thousand five hundred) for Active and student Members
- b. Honorary Members need not pay any fees.
- c. The membership fee is paid not later than 15th February each year. And by the 15th day of class for the student members.
- d. Membership to the **council** shall be deemed to have ceased if a member fails to submit his/her monthly contribution here above stated for a period of 6 consecutive months. No money shall be refunded back to such a member. However ;such a member could be reinstated upon payment of total arrears

## SECTION 3

- a. Any member desiring to resign from The Council shall submit his resignation to the secretary, which shall take effect from the date of receipt by the secretary of such notice.
- b. Any person who resigns or is removed from the membership shall not be entitled to a refund of his subscription or any part thereof or any moneys contributed by him at anytime.

## SECTION 4

Any member may be expelled from the membership if the committee so recommends and if a general meeting of The Council shall resolve by two-thirds majority of the members present that such a member should be expelled on the grounds that his conduct has adversely affected the

reputation or dignity of the society. The Executive committee shall have powers to suspend a member until next general meeting of The Council following such suspension but not withstanding such suspension a member whose expulsion is proposed shall have the right to address the general meeting at which his expulsion is to be considered.

## **ARTICLE V**

### **THE COUNCIL'S STRUCTURE**

The Council shall consist of:

- a. A central organization comprising the Council's "**Members**" which is the supreme organ of the Council and whose decisions shall be through resolutions at an Annual General Meeting (AGM) or at a Special Meeting.
- b. National Executive Committee whose members shall be elected and empowered by the "**members**" to carry out the aims/objects of the Council as hereinafter provided for.
- c. A Branch/Chapter organization comprising of the Branch/Chapter Committee and members of the Branch/Chapter.
- d. Management staff shall be employed to carry out the policies or directions or decisions of the National Executive Committee and the Members of the Council at large.

## **ARTICLE IV OFFICE BEARERS**

### **SECTION 1**

The office bearers of the council who will also form the executive committee shall be:

- i. The chairperson
- ii. The secretary
- iii. The treasurer
- iv. Chairpersons of registered KCEMT branches

All of the above must be active members and shall be elected at the Annual General Meeting of the second year to be held not later than 31<sup>st</sup> March. The branch chairpersons shall be elected at the AGM of the respective branches for a term of two years.

v. Chief Medical Director; To be appointed by the Executive Committee

vii. The Council's Executive Director

The Council Executive Director who shall be the Secretary of the National Executive Committee (NEC)

Viii. Executive Officers appointed by the executive committee as long as the number of these appointments do not exceed one third of the total membership of the executive committee at any time

The Executive committee shall appoint from the chairpersons of branches persons to the positions of Vice chairperson, Vice secretary and Vice treasurer.

a.

The executive committee shall be nominated by members not later than 30<sup>th</sup> January and elected at the AGM in February. The executive committee shall serve a term of two years.

## **SECTION 2**

Any Executive Committee member who will have served a complete term 2 calendar years beginning from the date upon which they are sworn in} will also be eligible for re-election for a single further term No elected NEC member can serve for more than **two terms in one position.**

## **SECTION 3**

The office bearers may be removed from office in the same way as laid down for the expulsion of members in article 3 section 4 above and vacancies thus created filled by persons elected at the AGM or SGM resolving the expulsion.

## **SECTION 4**

The National Executive Committee (NEC) may fill any vacancy occurring in its membership provided that the person so appointed shall only hold office for the remainder of the term of the member who has vacated office or until a new member is appointed (or co-opted) in accordance with this constitution, whichever shall be earlier.

## **ARTICLE V DUTIES OF OFFICE BEARERS**

### **SECTION 1**

**CHAIRMAN-** the chairman shall, unless prevented by illness or other sufficient cause, preside over all meetings of the executive committee and at all general meetings.

## **SECTION 2**

**VICE-CHAIRMAN-** the vice-chairman shall perform any duties of the chairman in his absence.

## **SECTION 3**

**SECRETARY-** the secretary shall deal with all the correspondence of the council under the general supervision of the executive committee.

In cases of urgent matters, where the committee cannot be consulted, he shall consult the chairman or vice chairman in cases where the chairman is unavailable.

Decision reached shall be subject to ratification or otherwise at the next executive committee meeting.

The secretary will also issue notices convening all the meetings of the executive committee and all general meetings of the council.

## **SECTION 4**

**ASSISTANT SECRETARY-**In the absence of the secretary, the assistant secretary will perform all the duties of the secretary and such other duties as shall be assigned to him by the secretary or executive committee whether the secretary is present or not.

## **SECTION 5**

**TREASURER-** the treasurer shall receive through the executive director and disburse, under the directions of the executive committee, all monies belonging to the council and shall issue receipts for all monies received by him and preserve vouchers for all, monies paid by him. He is also responsible to the executive committee and to the members that proper books of accounts of all monies received and paid by the council as written up, preserved and available for inspection.

## **SECTION 6**

**ASSISTANT TREASURER-** the assistant treasurer shall perform such duties as maybe specifically assigned to him by treasurer or the executive committee.

## **SECTION 6**

### **THE COUNCIL'S Executive Director**

- a. The Executive Director is appointed by the National Executive Committee.



- b. The Executive Director is the Chief Executive Officer of the Council and is responsible for implementing the general policy and the directives laid down by the National Executive Committee. The Administrator is in charge of the Secretariat at the Headquarters and Branches/Chapters.
- c. The Executive Director is the Ex-Official Secretary of the National Executive Committee (NEC) and of all other bodies set up by the National Executive Committee (NEC). He/she attends all meetings in an advisory capacity without a vote.
- d. The Executive Director has the power to employ other staff as part of the management team and dismiss staff as necessary for proper discharge of duties in consultation with other various committees at all levels.
- e. The Executive Director reports on the activities of the Council to the National Executive Committee.

a.

## **ARTICLE VII DUTIES OF THE EXECUTIVE COMMITTEE**

### **SECTION 1**

Subject to the provisions of this constitution the National Executive Committee (NEC) shall have all powers National Executive Committee (NEC) necessary for carrying out the aims of the council. In particular, but without limited the generality of its powers, it shall be empowered:

- b. To approve the annual budget for the forthcoming year
- c. To invest any surplus funds on projects that serves the interest of the Council in line with resolutions of the members
- d. To appoint, set the terms of services or dismiss the Council Executive director.
- e. To set-up and define the area of operation of Branches/Chapters
- f. To dissolve any Branch/Chapter committee or any such Branch/Chapter of the Council which in its opinion is guilty of violating the constitution of the Council or any other conduct which brings the Council in disrepute and if need be to appoint an interim committee to act until elections are held and a new committee elected within a period of six (6) months

- g. To establish, review and amend rules and regulations governing the operations of the Council
- h. To nominate Technical Advisers, as it deems fit for specific purposes
- i. To discipline or suspend or expel any member of the National Executive Committee (NEC)
- j. To delegate any of its specific powers and functions

## **SECTION 2**

### **PROCEDURES AND QUORUM OF MEETINGS OF (NEC)**

- b. The meetings of the National Executive Committee (NEC) shall be presided over by the chairperson, or in his/her absence, the Vice Chairperson, and in their absence those members present may elect one of them to chair the meeting
- c. The quorum of the meeting of National Executive Committee (NEC) shall be one half of members of the committee. Decisions shall be taken by a majority of those present and voting, each member having a single vote. In the case of equality of votes, the Chairperson shall have a second or casting vote. If, within thirty minutes after the time appointed for National Executive Committee (NEC) meeting, a quorum is not present, the meeting, if convened on the requisition of the members of the committee, shall be dissolved. In any other case, it shall stand adjourned for one (1) hour. If, at the time the meeting re-convenes there is still no quorum, the meeting shall proceed to transact business with the members present constituting a quorum.
- d. Any member of the National Executive Committee (NEC) who fails to attend three (3) meetings of the committee in each period of twelve consecutive calendar months without the permission of the Chairperson of the committee shall cease to be a member of the committee if the other members shall so resolve

## **Article 15**

### **BRANCH COMMITTEES**

- a. With the object of ensuring that the council's activity extends throughout the whole of Kenya, the National Executive Committee (NEC) shall establish or authorize counties to establish Branches/Chapters, defining the territory allocated to each and delegating

such responsibilities as it thinks fit for the organization of the council and its activities in that area.

- b. No Branch/Chapter shall act as a separate entity or a body autonomous from the Council.

## **ARTICLE VIII MEETINGS**

### **SECTION 1**

There shall be two classes of general meetings-annual general meetings and special general meetings.

### **SECTION 2**

The annual general meeting shall be held not later than 28th February of each year. Notice in writing of such annual general meetings accompanied by the annual statement of accounts and the agenda for the meeting shall be sent to all members not less than twenty one days before the date of the meeting and, where practicable by press advertisement not less than fourteen days before the day of the meeting.

### **SECTION 3**

The agenda for any annual general meeting shall consist of the following:

1. Confirmation of the minutes of the previous A.G.M.
2. Address by outgoing chairman
3. Consideration of the accounts
4. Nomination Report
5. Recess for Purpose of Caucus
6. Election of office bearers and the committee members.
7. Appointment of auditors in accordance with rule article XI section1
8. Address by newly elected chairman
9. Such other matters as the executive committee may decide or as to which notice shall have been given in writing by a member or members to the secretary at least 21 days before the date of the meeting.
10. Any other business with the approval of the chairman.

### **SECTION 4**

The executive committee may call a special general meeting for any specific purpose. Notice in writing of such meetings shall be sent to all members not later than seven

days before then thereof and where practicable by press advertisements not less than seven days before the date of any such meeting.

#### **SECTION 5**

A special general meeting may also be requisitioned for a specific purpose by order in writing to the secretary of not less than a third of the membership and such meetings shall be held within twenty-one days of the date of the requisition.

The notice for such meeting shall be as shown in article VII section 4. And no matter shall be discussed other than that stated in the requisition.

Quorum for general meetings shall be not less than two thirds of the registered members of the council.

### **ARTICLE IX PROCEDURE AT MEETINGS**

#### **SECTION 1**

At all meetings of the council, the chairman or in his absence the vice chairman or in the absence of both these officers, a member selected by the meeting shall take the chair.

#### **SECTION 2**

The chairman may at his discretion limit the number of persons permitted to speak in favour of and against any motion.

#### **SECTION 3**

Resolutions shall be decided by simple voting by a show of hands. In a case of equality of votes, the chairman shall have a second or casting vote.

### **ARTICLE X TRUSTEES**

#### **SECTION 1**

All land, buildings and other immovable property and all investments and securities which shall be acquired by the council shall be vested in the names of not less than 5 trustees who shall be members of the council and shall be appointed at an annual general meeting for a period of three years.

On retirement such trustees shall be eligible for re-election. A general meeting shall have the power to remove any of the trustees and all vacancies occurring by removal, resignation or death, shall be filled at the same or next general meeting.

#### **SECTION 2**

The trustees shall pay all income received from property vested in the trustees to the treasurer.

Any expenditure in respect of such property, which in the opinion of the trustees is necessary, or desirable, shall be reported by the trustees to the executive committee which shall authorize expenditure of such monies as it sees fit.

## **ARTICLE XI AUDITOR**

### **SECTION 1**

An auditor shall be appointed for the following year by the annual general meeting. The appointed auditors must be a Certified Auditor licensed to audit Companies under the Laws of Kenya.

### **SECTION 2**

A copy of the auditors report on the accounts and statements together with such accounts and statements shall be furnished to all members at the same time as the notice convening the AGM is sent out. An auditor may be paid such honorarium for his duties as may be resolved by the AGM appointing him.

### **SECTION 3**

No auditor shall be an office bearer or a member of the executive committee of the council.

## **ARTICLE XII FUNDS**

### **SECTION 1**

The funds of the council may only be used for the following purposes –

- a) Establishing and maintaining a members register, a reference library and data bank
- b) Acquisition and maintenance of training equipment
- c) Holding an annual EMS conference
- d) Producing EMS Newsletters and Brochures publications
- e) Organising for continued medical education Courses
- f) Research and EMS protocol development
- g) Hold EMS Shows and exhibitions
- h) Setting up a Community college for all EMS related Course

### **SECTION 2**

All monies and funds shall be received by and paid to the treasurer and deposited by him in the name of the council in any bank approved by the executive committee.

### **SECTION 3**

No payments shall be made out of the bank account without a resolution of the executive committee, authorizing such payment and all cheques on such bank accounts shall be signed by the treasurer or the assistant treasurer and two other office bearers of the council who shall be appointed by the executive committee.

### **SECTION 5**

The committee shall have power to suspend any office bearer who it has reasonable cause to believe is not properly accounting for any of the funds or property of the council and shall have power to appoint another person in his place.

Such suspension shall be reported to a general meeting to be convened on a date not later than two months from the date of such suspension and the general meeting shall have full power to decide what further action should be taken in the matter.

### **SECTION 6**

The financial year of the council shall be from 1st January to 31st December.

## **ARTICLE XIII BRANCHES**

### **SECTION 1**

Branches of the council may be formed with approval of the executive committee and the registrar of societies and they will adopt the same constitution as that of the headquarters with the following exceptions:

- a) The aims and objectives will not include the formation of branches.
- b) Amendments to the constitution can only be made by the headquarters of the council in accordance with the provisions of article xiv section 1
- c) The provisions of rule 15 shall apply to branches but in addition branches will not be dissolved without consultation with the headquarters.

## **ARTICLE XIV AMMENDMENTS TO THE CONSTITUTION**

### **SECTION 1**

In order to amend this constitution, the proposed amendment will be submitted to the membership at any regular meeting of the Council. The proposed amendment shall be adopted, or rejected, at the next regular meeting by a two-thirds majority.

They cannot however be implemented without the prior consent in writing of the registrar obtained upon application to him made in writing and signed by three of the office bearers

## **ARTICLE XV DISSOLUTION**

### **SECTION 1**

The council shall be dissolved except by a resolution passed at a general meeting by members by a vote of two thirds of the members present.

The quorum at the meeting shall be as stipulated in article viii section 5 above. If no quorum is obtained, the proposal to dissolve the council shall be submitted top a further general meeting which shall be held one month later. Notice of this meeting shall be given to all members of the council at least 14 days before the date of the meeting.

The quorum for this second meeting shall be the number of members present.

### **SECTION 2**

Provided, however that no dissolution shall be effected without prior permission in writing of the registrar, obtained upon application to him made in writing and signed by three of the office bearers.

### **SECTION 3**

When the registrar has approved the dissolution of the council, no further action shall be taken by the executive committee or any office bearer of the council in connection with the aims of the council other than to get in and liquidate for cash all the assets of the council. Subject to the payment of all debts of the council, the balance thereof shall be distributed in such other manner as may be resolved by the meeting at which the resolution of dissolution was passed.

## **ARTICLE XVI INSPECTION OF ACCOUNTS AND LIST OF MEMBERS**

### **SECTION 1**

The books of accounts and all documents relating thereto and a list of members of the society shall be available for inspection at the registered office of the council by any officer or member of the council on giving not less than seven days notice in writing to the council.

## **ARTICLE XVII: MISCELLANEOUS, CONSEQUENTIAL AND TRANSITIONAL PROVISIONS**

### **1) SAVING CLAUSE**

Provision that all previous rules stand revoked but may be referred to for matters not provided for by the new Rules and Constitution

2) CONFLICT OF LAWS

Inconsistency with National Laws – National Laws to prevail and amendment process be started

Inconsistency with regulations and Agency SOPs and Protocols – This Constitution to supersede and be supreme

3) Indemnity of Office Bearers and Trustees

4) The Regulations (The KCEMT Regulations, 2016) and Policies made hereunder to apply with equal force and effect as this Constitution. Provide for procedures for various issues, grievances and complaints. Formation of boards to address discipline and other issues of concern.

5) Members of KCEMT shall conduct themselves in accordance with the highest standards of integrity, personal discipline and morality and shall refrain from any conduct that may bring KCEMT into public odium or disfavor.

6) A member shall not without the authority of The Governing Council make external correspondence purporting to be speaking for KCEMT.

7) A member shall not solicit and use funds or resources from within or without in the name of KCEMT without the approval of the Governing Council.