



MAASAI MARA UNIVERSITY

QUALITY MANAGEMENT SYSTEM BASED ON ISO 9001:2008

LEGAL SERVICES PROCEDURE MANUAL

MMU/LSPM/LS/2013

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PROCEDURE NUMBER 1: PROVISION OF LEGAL SERVICES

1.0 GENERAL

1.1 PURPOSE

The purpose of this procedure is to ensure effectiveness, timeliness and consistency in the provision of legal services.

1.2 SCOPE

This applies to all legal opinions sought from the Legal Office.

1.3 REFERENCES

- a) Quality Manual – MMU/QM/MR/2013.
- b) Relevant Legislation.
- c) Current MMU Statutes.
- d) Relevant Government circulars.

1.4 TERMS AND DEFINITIONS

1.5 PRINCIPAL RESPONSIBILITY

The Legal Officer shall have the principal responsibilities of ensuring the procedure is effectively implemented.

2.0 METHOD

- 2.1 This procedure shall start with the Legal Officer receiving a request for a legal opinion from a Head of Department or Section.
- 2.2 Upon receipt of the request, the Legal Officer shall review the request to establish whether the department has capacity to provide the opinion.
- 2.3 In the event that the department lacks capacity to provide a legal opinion, the Legal Officer shall from the list of pre-qualified advocates identify the most suitable advocate to seek opinion from.
- 2.4 In case the department can provide the required opinion, or after engagement of an external advocate, the Legal Officer shall ensure that an opinion is sought, document it and send it to the requesting officer with copies to the relevant offices.

3.0 LIST OF APPLICABLE RECORDS

- 3.1 Evidence of communication.
- 3.2 Legal opinions reports.

PROCEDURE NUMBER 2: LITIGATION

1.0 GENERAL

1.1 PURPOSE

The purpose of this procedure is to ensure that the University handles contentious matters in which the University is a defendant/ respondent in an effective manner so as to safeguard its interests.

1.2 SCOPE

This applies to all contentious matters in which the University is defendant/respondent

1.3 REFERNCES

- a) Quality Manual – MMU/QM/MR/2013.
- b) Laws Of Kenya
- c) Masai Mara University statutes
- d) The University Charter
- e) Government Circulars
- f) Common law
- g) Judicial precedents

1.4 TERMS AND DEFINITIONS

- a) VC – Vice Chancellor.

1.5 RESPONSIBILITIES

The Legal Officer shall have the principal responsibilities of ensuring the procedure is effectively implemented.

2.0 METHOD

2.1 Litigation where the University is a respondent

2.1.1 This shall start with the Legal Officer receiving a court summon from a claimant.

2.1.2 Upon receipt of the summon, the Legal Officer shall based on the nature of summon discuss the matter with any of the following:-

- a) Vice Chancellor,
- b) Deputy Vice Chancellor (Administration and Finance),
- c) Registrar (Administration), and
- d) Relevant Officer(s) heading the department.

- 2.1.3 After discussing the matter, the Legal Officer shall try to resolve the matter amicably out of court and maintain records.
- 2.1.4 If the matter cannot be resolved amicably out of court, the Legal Officer shall identify an external advocate from the University's panel of advocates and instruct the advocate to defend the matter.
- 2.1.5 The Legal Officer shall keep track of the matter with the external advocate and as appropriate inform the VC of the progress.
- 2.1.6 When the matter is concluded the Legal Officer shall advise the Vice Chancellor and the Deputy Vice Chancellor (Administration and Finance) on the way forward depending on the way the matter is determined.

2.2 Where the University is the claimant

- 2.2.1 This shall start with the Legal Officer receiving information from a Head of Department/Section on a contentious matter.
- 2.2.2 Upon receipt of the information, the Legal Officer shall inform and discuss the matter with the following:-
 - a) Vice Chancellor,
 - b) Deputy Vice Chancellor (Administration and Finance),
 - c) Registrar (Administration), and
 - d) Relevant Officer(s) heading the department.
- 2.2.3 After the discussion, the Legal Officer shall act as per the Instructions of the Vice Chancellor and/or Deputy Vice Chancellor (Administration and Finance).
- 2.2.4 If the decision is to pursue the case, the Legal Officer shall issue a demand letter to the respondent.
- 2.2.5 In the event that there is a favourable response, the matter shall be amicably determined.
- 2.2.6 If there is no favourable response, the Legal Officer shall identify an external advocate from the University's panel of advocates and instruct him/her to pursue the matter as appropriate.
- 2.2.7 The Legal Officer shall keep track of the matter with the external advocate and report to the Vice Chancellor accordingly.

2.2.8 When the matter is concluded the Legal Officer shall advise the Vice Chancellor and the Deputy Vice Chancellor (Administration and Finance) on the way forward depending on the way the matter is determined.

3.0 LIST OF APPLICABLE RECORDS

3.1 Evidence of communication.

3.2 Demand letter.

PROCEDURE NUMBER 3: CONTRACT ADMINISTRATION

1.0 GENERAL

1.1 PURPOSE

The purpose of this procedure is to ensure effectiveness, timeliness and consistency in contract administration.

1.2 SCOPE

This procedure applies to the drawing and monitoring of contracts/ agreements/ memoranda of understanding at the University.

1.3 REFERENCES:

- a) Quality Manual – MMU/QM/MR/2013.
- b) MMU Charter, 2013.
- c) Public Procurement and Disposal Act, 2005.
- d) Public Procurement and Disposal Regulations, 2006.
- e) Laws of Contract Act, 1978.
- f) Law Society of Kenya conditions of Sale,

1.4 RESPONSIBILITIES

The Legal Officer shall have the principal responsibility of ensuring the procedure is effectively implemented.

2.0 METHOD

- 2.1 This procedure shall start with the Legal Officer receiving approved instructions to draw a contract/agreement/memorandum from a Head of Department/Section.
- 2.2 Upon receipt of the instructions, the Legal Officer shall draft the document guided by the instructions given by the requesting party and send it to the instructing officer for review.
- 2.3 In the event that the document is not sufficient, the instructing officer shall give recommendations to the Legal Officer who shall make the necessary amendments.
- 2.4 Once the document is adequate, the Legal Officer shall send the document to other party for consent.
- 2.5 In the event of receipt of proposals for amendment, the Legal Officer shall incorporate them in the final document in consultation with the instructing officer.
- 2.6 Upon consent by the other party the Legal Officer shall prepare the final document and send it to the other party for execution.

- 2.7 Upon receipt of the executed documents from the other party, the Legal officer shall have the documents executed by the Vice Chancellor.
- 2.8 Upon execution of the document by the Vice Chancellor, the Legal Officer shall forward copies of the signed documents to the relevant officer (s) and the other party for implementation.
- 2.9 In the event of any breaches, the Legal Officer shall offer the affected office a legal opinion as per the procedure number 1 in this manual.

3.0 LIST OF APPLICABLE RECORDS

- 3.1 Evidence of communication.
- 3.2 Executed contracts/agreements/memoranda of understanding.