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NAIROBI, 11th February, 2025

CONTENT

Bill for Introduction into the National Assembly —

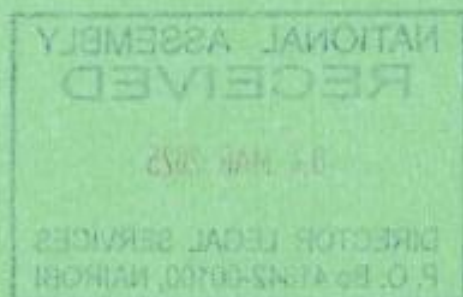
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The Anti-Money Laundering and Combating of Terrorism Financing Laws
(Amendment) Bill, 2025 63

**NATIONAL ASSEMBLY
RECEIVED**

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**DIRECTOR LEGAL SERVICES
P. O. Bo 41842-00100, NAIROBI**



**THE ANTI-MONEY LAUNDERING AND
COMBATING OF TERRORISM FINANCING LAWS
(AMENDMENT) BILL, 2025**

A Bill for

AN ACT of Parliament to amend the laws relating to anti-money laundering and combating of terrorism financing and proliferation financing; and for connected purposes

ENACTED by Parliament of Kenya, as follows —

1. This Act may be cited as the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act, 2025.

Short title.

2. The laws specified in the first column of the Schedule are amended in the provisions specified in the second column thereof, in the manner respectively specified in the third column.

Amendment of written laws.

SCHEDULE

| Written law | Provision | Amendment |
|--|------------------|--|
| The Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A) | s.2 | <p>Insert the word "General" immediately after the word "Director" in the definition of the words "Agency Director".</p> <p>Delete the words "Agency Director" appearing in paragraph (c) in the definition of the words "authorised officer" and substitute therefor the words "Agency Director-General.</p> <p>In the definition of "designated non-financial businesses or professions" —</p> <p>(a) delete the words "dealing in" appearing in paragraph (c) and substitute therefor the words "dealers in";</p> |

- (b) delete the words “dealing in” appearing in paragraph (d) and substitute therefor the words “dealers in”;
- (c) by deleting paragraph (f).

Insert the following new definitions in proper alphabetical sequence—

“dealer in precious stones or metals” includes a person engaged in—

- (a) the production of precious metals, precious stones or mining operations;
- (b) intermediate buying and brokering of precious stones and precious metals;
- (c) the cutting, polishing and refining of precious stones and precious metals;
- (d) the manufacturing of jewellery;
- (e) the retail selling of precious stones and precious metals.

No. 18 of 2013.

“Public Benefit Organizations Regulatory Authority” means the Public Benefit Organizations Regulatory Authority established under section 34 of the Public Benefits Organizations Act, 2013.

s.11 Delete subsection (1) and substitute therefor the following new subsection—

(1) A reporting institution that fails to comply with any requirements of sections 44, 45, 46, 47 and 47A or of any regulations, commits an offence.

s.12(6) Delete the words “Agency Director” wherever they appear and substitute therefor the words “Agency Director-General”.

s.24B (1) Insert the words “the requirements of this Act,” immediately after the words “comply with”.

s.36C (f) Insert the words “where applicable” immediately before the word “to undertake”.

s. 36D Deleting subsection (1) and substituting therefor the following new subsection—

(1) The Centre, supervisory bodies and the self regulatory body shall, in fulfilling their obligations to effectively monitor reporting institutions, use a risk-based approach.

Delete subsection (2) and substitute therefor the following new subsection—

(2) The Centre, supervisory bodies and the self regulatory body shall, in applying a risk-based approach to supervision, ensure that they—

s. 6D(2)(c) Delete subparagraph (i) and substitute therefor the following new subparagraph—

(i) the money laundering, terrorist financing and proliferation financing risks, and the policies internal controls and procedures associated with the business activities of a reporting institution, as identified by the Centre's, supervisory body's or self regulatory body's assessment of its risk profile;

Delete subparagraph (ii) and substitute therefor the following new subparagraph—

(ii) the risks of money laundering, terrorist financing and proliferation financing in the country as identified within any information that is made available to the Centre, a supervisory body or the self regulatory body; and

s. 36D Delete subsection (3) and substitute therefor the following new subsection—

(3) The Centre, a supervisory body or the self regulatory body shall review the assessment of the money

laundering, terrorist financing and proliferation financing risk profile of a reporting institution or group including the risks of non-compliance periodically, and when there are major events or developments in the management and operations of the reporting institution or group,

s.48 Insert the following new paragraph immediately after paragraph (b)—

(c) dealers in precious metals and dealers in precious stone when they engage in any cash transaction with a customer equal to or above fifteen thousand US Dollars.

s.53 Delete the marginal note and substitute therefor the following new marginal note—

The Agency and Agency Director-General

s.53(2) Delete the words “Agency Director” and substitute therefor the words “Agency Director-General”.

s.53(2A) Delete the words “Agency Director” and substitute therefor the words “Agency Director-General”.

s.53(3) Delete the words “Agency Director” and substitute therefor the words “Agency Director-General”.

s.53(4) Delete the words “Agency

- Director" and substitute therefor the words "Agency Director-General".
- s.53(5) Delete the words "Agency Director" wherever they appear and substitute therefor the words "Agency Director-General".
- s.53A(3) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.53A(4) Delete the words "Agency Director" and substitute therefore the words "Agency Director-General".
- s.53A(5) Delete the words "Agency Director" and substitute therefore the words "Agency Director-General".
- s.53A Insert the following new subsection immediately after subsection (5)—
(5A) The Agency Director-General may designate such number of staff of the Agency investigators to conduct an investigation on behalf of the Agency.
- s.54A(5) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.54C(3)(a) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.54F(1) Delete the words "Agency Director" and substitute therefor the words "Agency Director-

- General”.
- s.54F(2) Delete the words “Agency Director” wherever they appear and substitute therefor the words “Agency Director-General”.
- s.55A Insert the word “Agency” immediately after the word “Recovery” in the marginal note.
- s.55A(1) Insert the word “Agency” immediately after the word “Recovery” in the opening statement.
- s.55A(1)(k) Delete the words “Agency Director” and substitute the words “Agency Director-General”.
- s.55G Delete.
- s.61(1) Delete the words “Agency Director” and substitute therefor the words “Agency Director-General”.
- s.61(5)(iii) Delete the words “Agency Director” and substitute therefor the words “Agency Director-General”.
- s.64(1) Delete the words “Agency Director” and substitute therefor the words “Agency Director-General”.
- s.64(6) Delete the words “Agency Director” and substitute therefor the words “Agency Director-General”.
- s.64(7) Delete the words “Agency Director” and substitute therefor the words “Agency Director-General”.
- s.64(8) Delete the words “Agency

- Director" and substitute therefor the words "Agency Director-General".
- s.67(1) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.67(2) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.68(1) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.71(1) Insert the words "Agency Director-General or an investigator of the Agency" immediately after the words "police officer".
- s.75(2) Delete the words "Agency Director" and substituting therefor the words "Agency Director-General".
- s.82(1) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.83(1) Delete the words "Agency Director" wherever they appear and substitute therefor the words "Agency Director-General".
- s.83(4) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.85(1) Insert the words "Agency Director-General or an investigator of the Agency"

- immediately after the words "police officer".
- s.86(1) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.86(1)(a) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.90(1) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.90(2) Delete the words "Agency Director" and substituting therefor the words "Agency Director-General".
- s.93(4) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.93(5) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.94(4) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.94(5) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.95(1) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.95(2) Delete the words "Agency

- Director" and substitute therefor the words "Agency Director-General".
- s.99(1) Delete the words "Agency Director" and substitute therefor the words "Agency Director-General".
- s.103(1) Insert the words "Agency Director-General or an investigator of the Agency" immediately after the words "police officer", wherever it appears.
- s.103(2) Insert the words "Agency Director-General or an investigator of the Agency" immediately after the words "police officer".
- s.103(3) Insert the words "Agency Director-General or an investigator of the Agency" immediately after the words "police officer".
- s.105(1) Insert the words "Agency Director-General or an investigator of the Agency" immediately after the words "police officer".
- s.106(1) Insert the words "Agency Director-General or an investigator of the Agency" immediately after the words "police officer"
- s.107(1) Insert the words "Agency Director-General or an investigator of the Agency" immediately after the words "police officer", wherever it

appears.

s. 107(2) Insert the words "Agency Director-General or an investigator of the Agency" immediately after the words "police officer".

s. 107(3)(c) Insert the words "Agency Director-General or an investigator of the Agency" immediately after the words "police officer".

s. 107(5) Insert the words "Agency Director-General or an investigator of the Agency" immediately after the words "police officer", wherever it appears.

s.124(3) Delete the words "Attorney-General" and substitute therefor the words "Agency Director-General".

s.130C Delete the words "Agency Director" and substituting therefor the words "Agency Director-General".

s.134 Inserting the following new subsection immediately after subsection (2)—

(3) Any Regulations made under this section may provide, in respect of any contravention thereof or non-compliance therewith, for the imposition of a sanction including—

(a) in the case of a natural person, imprisonment for a term not exceeding seven years or a fine not exceeding

| | | |
|--|----------------|---|
| | | ten million shillings, or to both; and |
| | | (b) in the case of a body corporate, a fine not exceeding twenty million shillings. |
| | First Schedule | Delete paragraph (g). |
| Prevention of Terrorism Act (Cap. 59B) | s. 2 | Insert the following new definitions in proper alphabetical sequence— “Sanctions Committee” means a committee of the Security Council of the United Nations established under a Resolution of the Security Council; “terrorism financing” includes an offence under section 5 and 5A of the Act. |
| | s. 5A | Renumber the existing provision as subsection (1). Insert the following new subsection immediately after subsection (1)— (2) A person who commits an offence under subsection (1) shall be liable, upon conviction, to imprisonment for a term not exceeding twenty years in the case of a natural person or a fine not exceeding twenty million shillings in the case of a legal person. |
| | s. 29 | Delete the words “who is a member of a terrorist group or”. |
| | s.30 | Delete the words “held on behalf of a person”. |
| | s.30H(1) | Delete the expression |

“14A”.

s.36A(1) Insert the words “and terrorism financing” immediately after the word “terrorism”.

s.36A(3) Insert the words “and terrorism financing” immediately after the word “terrorism”.

s.40E (2) Insert the following new paragraph immediately after paragraph (a)–

(aa) propose persons to the relevant Sanctions Committee;

s. 42A Delete and substitute therefor with the following section—

Role of the Financial Reporting Centre, supervisory bodies and self-regulatory body.

42A. (1) The Financial Reporting Centre, supervisory bodies and self-regulatory body shall have the power to—

(a) supervise and enforce the application of preventative measures to combat the financing of terrorism and combat the financing of proliferation acts by reporting

institutions;

- (b) supervise and enforce the implementation of targeted financial sanctions by reporting institutions.

(2) For the purpose of this section—

- (a) “preventative measures” include measures under PART IV of the Proceeds of Crime and Anti-Money laundering Act;

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- (b) “supervisory body” has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act;

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- (c) “self-regulatory body” has the meaning assigned to it under section

Cap. 59A.

2 of the
Proceed of
Crime and
Anti-Money
Laundering
Act;

- (d) “targeted
financial
sanctions”
means both
assets
freezing and
prohibitions
to prevent
funds or
other assets
from being
made
available
directly or
indirectly for
the benefit of
designated
persons and
entities.

s.50

Delete subsection (4) and
substitute therefor the following
new subsection—.

(4) Any Regulations made
under this section may provide,
in respect of any contravention
thereof or non-compliance
therewith, for the imposition of
a sanction including—

- (a) in the case of a natural
person, imprisonment
for a term not
exceeding ten years;
and

| | | |
|--|---|---|
| | | (b) in the case of a legal person, a fine not exceeding twenty million shillings. |
| Betting Lotteries and Gaming Act (Cap 131) | s.2 | Insert the following new definition in proper alphabetical sequence— |
| | Cap. 59B. | “terrorism financing” has the meaning assigned to it under the Prevention of Terrorism Act. |
| | New | a) Insert the following new sections immediately after section 29— |
| | Powers of the Board for anti-money laundering and countering the financing of terrorism purposes. | 29A. (1) Pursuant to sections 2A, 36A, 36B and 36C of the Proceeds of Crime and Anti-Money Laundering Act, the Board shall regulate, supervise and enforce compliance for anti-money laundering, combating the financing of terrorism and countering proliferation |
| | Cap. 59A. | financing purposes by all reporting institutions regulated and supervised by the Board and to whom the provisions of the Proceeds of Crime and Anti- |

Money Laundering Act apply.

(2) In undertaking its mandate under subsection (1), the Board may —

- (a) vet proposed significant shareholders, proposed beneficial owners, proposed directors, and senior employees of a reporting institution;
- (b) conduct onsite inspection;
- (c) conduct offsite surveillance;
- (d) undertake consolidated supervision of a reporting institution;
- (e) compel the production of any document or information the Board may require for the purpose of discharging

its
supervisory
mandate
under the
Proceeds of
Crime and
Anti-Money
Laundering
Act;

- (f) impose
monetary,
civil or
administrativ
e sanctions
for violations
related to
anti-money
laundering,
combating
the financing
of terrorism
or countering
proliferation
financing
purposes;

- (g) issue
regulations,
guidelines,
directions,
rules or
instructions
for anti-
money
laundering,
combating
the financing
of terrorism
and
countering
proliferation
financing

purposes;

- (h) co-operate and share information for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes; and

- (i) take such action as is necessary to supervise and enforce compliance by reporting institutions in line with the provisions of the Proceeds of Crime and Anti-Money Laundering Act and any regulations, guidelines, rules, instruction or direction made or issued thereunder.

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- (3) For purposes of this section,

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Penalties for violations relating to money laundering and terrorism financing.

“reporting institution” has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act

29B. (1) No director, officer, employer, agent or any other person in the company shall violate or fail to comply with the regulations, guidelines, directions, rules or instructions issued for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes.

(2) A person who violates or fails to comply with the provisions of subsection (1) shall be liable—

- (a) in case of a legal person, to a penalty not exceeding five million shillings;
- (b) in the case of

a natural person, to a penalty not exceeding one million shillings; and
(c) to additional penalties not exceeding one hundred thousand shillings in each case for each day or part thereof during which such violation or non-compliance continues.

Retirement s.2
Benefits Act
(Cap. 197)

Insert the following new definition in proper alphabetical sequence—

“terrorism financing” has the meaning assigned to it under the Prevention of Terrorism Act.

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New

Insert the following new sections immediately after section 7—

Powers of anti-money laundering and countering the financing of terrorism purposes.

7A. (1) Pursuant to sections 2A, 36A, 36B and 36C of the Proceeds of Crime and Anti-Money Laundering Act, the Authority shall regulate, supervise and enforce compliance for anti-

money laundering,
combating the
financing of
terrorism and
countering
proliferation
Cap. 59A. financing purposes
by all reporting
institutions regulated
and supervised by
the Authority and to
whom the provisions
of the Proceeds of
Crime and Anti-
Money Laundering
Act apply.

(2) In
undertaking its
mandate under
subsection (1), the
Authority may —

- (a) vet proposed
significant
shareholders,
proposed
beneficial
owners,
proposed
directors and
senior
officers of a
reporting
institution;
- (b) conduct
onsite
inspection;
- (c) conduct
offsite
surveillance;

(d) undertake consolidated supervision of an institution and its group;

(e) compel the production of any document or information the Authority may require for the purpose of discharging its supervisory mandate under the Proceeds of Crime and Anti-Money Laundering Act;

(f) impose monetary, civil or administrative sanctions for violations related to anti-money laundering, combating the financing of terrorism or countering proliferation financing purposes;

(g) issue

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regulations,
guidelines,
directions,
rules or
instructions
for anti-
money
laundering,
combating the
financing of
terrorism and
countering
proliferation
financing
purposes;

(h) co-operate and
share
information
for anti-
money
laundering,
combating the
financing of
terrorism and
countering
proliferation
financing
purposes; and

(i) take such
action as is
necessary to
supervise and
enforce
compliance by
reporting
institutions in
line with the
provisions of
the Proceeds

of Crime and
Anti-Money
Laundering
Act and any
regulations,
guidelines,
rules,
instruction or
direction
made or
issued
thereunder.

(3) For
purposes of this
section, "reporting
institution" has the
meaning assigned to
it under section 2 of
the Proceeds of
Crime and Anti-
Money Laundering
Act.

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Penalties for
violations
relating to
money
laundering
and terrorism
financing.

7B (1) No
member, manager,
custodian,
administrator or any
other person in a
scheme or scheme
fund shall violate or
fail to comply with
the regulations,
guidelines,
directions, rules or
instructions issued
for anti-money
laundering,
combating the
financing of
terrorism and
countering

proliferation
financing purposes.

(2) A person who violates or fails to comply with the provisions of subsection (1) shall be liable—

- (a) in case of a legal person, to a penalty not exceeding five million shillings
- (b) in the case of a natural person, to a penalty not exceeding one million shillings; and
- (c) to additional penalties not exceeding one hundred thousand shillings in each case for each day or part thereof during which such violation or non-compliance continues.

Mining Act s.4
(Cap. 306)

Insert the following new definition in proper alphabetical sequence—

Cap. 59B. "terrorism financing" has the meaning assigned to under the Prevention of Terrorism Act.

New Insert the following new sections immediately after section 16—

Powers of the Director for anti-money laundering and countering the financing of terrorism purposes.

16A. (1)

Pursuant to sections 2A, 36A, 36B and 36C of the Proceeds of Crime and Anti-Money Laundering Act, the Director of Mines shall regulate, supervise and enforce compliance for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes by all reporting institutions regulated and supervised by the Director of Mines and to whom the provisions of the Proceeds of Crime and Anti-Money Laundering Act apply.

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(2) In undertaking its mandate under subsection (1), the Director of Mines

may—

- (a) vet proposed mineral rights holders and mineral dealers of a reporting institution;
- (b) conduct onsite inspection;
- (c) conduct offsite surveillance;
- (d) undertake consolidated supervision of mineral rights holders and mineral dealers;
- (e) compel the production of any document or information the Director may require for the purpose of discharging its supervisory mandate under the Proceeds of Crime and Anti-Money Laundering

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Act;

- (f) impose monetary, civil or administrative sanctions for violations related to anti-money laundering, combating the financing of terrorism or countering proliferation financing purposes;
- (g) issue regulations, guidelines, directions, rules or instructions for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes;
- (h) co-operate and share information for anti-money

laundering,
combating
the financing
of terrorism
and
countering
proliferation
financing
purposes;
and

(i) take such action
as is necessary
to supervise and
enforce
compliance by
reporting
institutions in
line with the
provisions of
the Proceeds of
Crime and
Anti-Money
Laundering Act
and any
regulations,
guidelines,
rules,
instruction or
direction made
or issued
thereunder.

Cap. 59A.

(3) For
purposes of this
section, "reporting
institution" has the
meaning assigned to
it under section 2 of
the Proceeds of
Crime and Anti-
Money Laundering

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Penalties
for
violations
relating to
money
launderin
g and
terrorism
financing.

Act

16B. (1) No mineral rights holders or mineral dealers or their agents shall violate or fail to comply with the regulations, guidelines, directions, rules or instructions issued for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes.

(2) A person who violates or fails to comply with the provisions of subsection (1) shall be liable—

- (a) in case of a legal person, to a penalty not exceeding five million shillings;
- (b) in the case of a natural person, to a penalty not exceeding one million shillings; and
- (c) to additional penalties not

exceeding one hundred thousand shillings in each case for each day or part thereof during which such violation or non-compliance continues.

Sacco Societies.²
Act (Cap.
490B)

Insert the following new definition in proper alphabetical sequence—

“terrorism financing” has the meaning assigned to under the Prevention of Terrorism Act.

Cap. 59B.

New

Insert the following new sections immediately after section 7—

Powers of Authority for anti-money laundering and countering the financing of terrorism purposes.

7A. (1) Pursuant to sections 2A, 36A, 36B and 36C of the Proceeds of Crime and Anti-Money Laundering Act, the Authority shall regulate, supervise and enforce compliance for anti-money laundering, combating the financing of terrorism and countering proliferation

Cap. 59A.

financing purposes by all reporting institutions regulated

and supervised by the Authority and to whom the provisions of the Proceeds of Crime and Anti-Money Laundering Act apply.

(2) In undertaking its mandate under subsection (1), the Authority may—

- (a) vet proposed significant shareholders, proposed beneficial owners, proposed directors and senior officers of a reporting institution;
- (b) conduct onsite inspection;
- (c) conduct offsite surveillance;
- (d) undertake consolidated supervision of an institution and its group;
- (e) compel the production of any document or information the Authority may require

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for the purpose of discharging its supervisory mandate under the Proceeds of Crime and Anti-Money Laundering Act;

- (f) impose monetary, civil or administrative sanctions for violations related to anti-money laundering, combating the financing of terrorism or countering proliferation financing purposes;
- (g) issue regulations, guidelines, directions, rules or instructions for anti-money laundering, combating the financing of terrorism and

- countering
proliferation
financing
purposes;
- (h) co-operate
and share
information
for anti-
money
laundering,
combating the
financing of
terrorism and
countering
proliferation
financing
purposes; and
- (i) take such
action as is
necessary to
supervise and
enforce
compliance by
reporting
institutions in
line with the
provisions of
the Proceeds
of Crime and
Anti-Money
Laundering
Act and any
regulations,
guidelines,
rules,
instruction or
direction
made or
issued

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thereunder.

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(3) For purposes of this section, "reporting institution" has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act

Penalties for violations relating to money laundering and terrorism financing.

7B. (1) No member, director, officer, employer, agent or any other person in a Sacco society shall violate or fail to comply with the regulations, guidelines, directions, rules or instructions issued for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes.

(2) A person who violates or fails to comply with the provisions of subsection (1) shall be liable—

(a) in case of a legal person, to a penalty not

- exceeding five million shillings;
- (b) in the case of a natural person, to a penalty not exceeding one million shillings; and
- (c) to additional penalties not exceeding one hundred thousand shillings in each case for each day or part thereof during which such violation or non-compliance continues.

Accountants s.2(1)
Act (Cap 531)

Insert the following new definition in proper alphabetical sequence—

Cap.59B. “terrorism financing” has the meaning assigned to under the Prevention of Terrorism Act

New Insert the following new sections immediately after section 8—

Powers of 8A. (1)
Institute for Pursuant to sections
anti-money 2A, 36A, 36B and
laundering and 36C of the Proceeds
countering the of Crime and Anti-
financing of Money Laundering
terrorism purposes.

Cap. 39A

Act, the Institute shall regulate, supervise and enforce compliance for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes by all reporting institutions regulated and supervised by the Institute and to whom the provisions of the Proceeds of Crime and Anti-Money Laundering Act apply.

(2) In undertaking its mandate under subsection (1), the Institute may —

- (a) vet proposed members of a reporting institution;
- (b) conduct onsite inspection;
- (c) conduct offsite surveillance;
- (d) undertake consolidated supervision of a member of

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- the Institute;
- (e) compel the production of any document or information the Institute may require for the purpose of discharging its supervisory mandate under the Proceeds of Crime and Anti-Money Laundering Act;
- (f) impose monetary, civil or administrative sanctions for violations related to anti-money laundering, combating the financing of terrorism or countering proliferation financing purposes;
- (g) issue regulations, guidelines, directions, rules or instructions for

- anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes;
- (h) co-operate and share information for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes; and
- (i) take such action as is necessary to supervise and enforce compliance by reporting institutions in line with the provisions of the Proceeds of Crime and Anti-Money Laundering Act and any regulations, guidelines, rules,

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instruction or direction made or issued thereunder.

Cap. 59A. (3) For purposes of this section, "reporting institution" has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act

Penalties for violations relating to money laundering and terrorism financing. **8B.** (1) No member of the Institute or a member, director, officer, employer, agent or any other person in the Council, Registration Board or the Examination Board shall violate or fail to comply with the regulations, guidelines, directions, rules or instructions issued for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes.

(2) A person who violates or fails to comply with the

provisions of subsection (1) shall be liable—

- (a) in case of a legal person, to a penalty not exceeding five million shillings;
- (b) in the case of a natural person, to a penalty not exceeding one million shillings; and
- (c) to additional penalties not exceeding one hundred thousand shillings in each case for each day or part thereof during which such violation or non-compliance continues.

Estate Agents s.2(1)
Registration
Act (Cap. 533)

Insert the following new definition in proper alphabetical sequence—

Cap. 59B.
New

“terrorism financing” has the meaning assigned to it under the Prevention of Terrorism Act.

Insert the following new sections immediately after section 27—

Powers of
the Board for

28 (1) Pursuant

anti-money laundering and countering the financing of terrorism purposes. to sections 2A, 36A, 36B and 36C of the Proceeds of Crime and Anti-Money Laundering Act, the Board shall regulate, supervise and enforce compliance for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes by all reporting institutions regulated and supervised by the Board and to whom the provisions of the Proceeds of Crime and Anti-Money Laundering Act apply.

(2) In undertaking its mandate under subsection (1), the Board may—

- (a) vet proposed members including beneficial owners of a reporting institution;
- (b) conduct onsite inspection;

Cap. 59A.

- (c) conduct
offsite
surveillance;
- (d) undertake
consolidated
supervision of
a reporting
institution;
- (e) compel the
production of
any document
or information
the Board
may require
for the
purpose of
discharging its
supervisory
mandate
under the
Proceeds of
Crime and
Anti-Money
Laundering
Act;
- (f) impose monetary, civil
or administrative
sanctions for violations
related to anti-money
laundering, combating
the financing of
terrorism or countering
proliferation financing
purposes;
- (g) issue
regulations,
guidelines,
directions,
rules or

instructions
for anti-
money
laundering,
combating the
financing of
terrorism and
countering
proliferation
financing
purposes;

- (h) co-operate
and share
information
for anti-
money
laundering,
combating the
financing of
terrorism and
countering
proliferation
financing
purposes; and

- (i) take such
action as is
necessary to
supervise and
enforce
compliance by
reporting
institutions in
line with the
provisions of
the Proceeds
of Crime and
Anti-Money
Laundering
Act and any

Cap. 59A.

regulations,
guidelines,
rules,
instruction or
direction
made or
issued
thereunder.

(3) For purposes
of this section,
“reporting
institution” has the
meaning assigned to
it under section 2 of
the Proceeds of
Crime and Anti-
Money Laundering
Act

Cap. 59A.

Penalties for
violations
relating to
money
laundering
and terrorism
financing.

29. (1) No
member of a
reporting institution
shall violate or fail
to comply with the
regulations,
guidelines,
directions, rules or
instructions issued
for anti-money
laundering,
combating the
financing of
terrorism and
countering
proliferation
financing purposes.

(2) A person
who violates or fails
to comply with the
provisions of
subsection (1) shall
be liable—

- (a) in case of a legal person, to a penalty not exceeding five million shillings;
- (b) in the case of a natural person, to a penalty not exceeding one million shillings; and
- (c) to additional penalties not exceeding one hundred thousand shillings in each case for each day or part thereof during which such violation or non-compliance continues.

Certified
Public
Secretaries of
Kenya Act
(Cap. 534)

s.2(1)

Cap. 54B.

New

Insert the following new definition in proper alphabetical sequence—

“terrorism financing” has the meaning assigned to it under the Prevention of Terrorism Act.

Insert the following new sections immediately after section 7—

Powers of
Institute for
anti-money
laundering
and
countering
the financing

7A. (1) Pursuant to sections 2A, 36A, 36B and 36C of the Proceeds of Crime and Anti-Money

of terrorism purposes, Laundering Act, the Institute shall regulate, supervise and enforce compliance for anti-money laundering, combating the financing of terrorism and countering proliferation

Cap. 59A, financing purposes by all reporting institutions regulated and supervised by the Institute and to whom the provisions of the Proceeds of Crime and Anti-Money Laundering Act apply.

(2) In undertaking its mandate under subsection (1), the Institute may—

- (a) vet proposed members of a reporting institution;
- (b) conduct onsite inspection;
- (c) conduct offsite surveillance;
- (d) undertake consolidated supervision of a member of

the Institute;

Cap. 59A.

(e) compel the production of any document or information the Institute may require for the purpose of discharging its supervisory mandate under the Proceeds of Crime and Anti-Money Laundering Act;

(f) impose monetary, civil or administrative sanctions for violations related to anti-money laundering, combating the financing of terrorism or countering proliferation financing purposes;

(g) issue regulations, guidelines, directions, rules or instructions for

anti-money
laundering,
combating the
financing of
terrorism and
countering
proliferation
financing
purposes;

(h) co-operate and
share
information for
anti-money
laundering,
combating the
financing of
terrorism and
countering
proliferation
financing
purposes; and

(i) take such
action as is
necessary to
supervise and
enforce
compliance by
reporting
institutions in
line with the
provisions of
the Proceeds of
Crime and
Anti-Money
Laundering
Act and any
regulations,
guidelines,
rules,

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instruction or direction made or issued thereunder.

Cap. 59A. (3) For purposes of this section, "reporting institution" has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act

Penalties for violations relating to money laundering and terrorism financing. **7B.** (1) No member of the Institute or a member, director, officer, employer, agent or any other person in the Council, Registration Board or the Examination Board shall violate or fail to comply with the regulations, guidelines, directions, rules or instructions issued for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes.

(2) A person who violates or fails to comply with the

provisions of
subsection (1) shall
be liable—

- (a) in case of a
legal person,
to a penalty
not exceeding
five million
shillings;
- (b) in the case of
a natural
person, to a
penalty not
exceeding one
million
shillings; and
- (c) to additional
penalties not
exceeding one
hundred
thousand
shillings in
each case for
each day or
part thereof
during which
such violation
or non-
compliance
continues.

Public Benefits s.2
Organizations
Act, 2013 (No.
18 of 2013)

Cap. 59B.

s.3

Insert the following new
definition in proper alphabetical
sequence—

“terrorism financing” has
the meaning assigned to under
the Prevention of Terrorism Act.

Insert the following new
paragraph immediately after
paragraph (h)—

- (i) provide mechanisms that safeguard public benefits organisations from the risk of money laundering, terrorism financing or proliferation financing.

New Insert the following new sections immediately after section 43—

Power of the Authority to public benefit organisations at risk of terrorism financing. **43A.** (1) The Authority shall have powers to oversight and monitor public benefit organizations that are at risk of terrorism financing and in particular shall—

- (a) periodically identify organizations that are likely to be at risk of terrorist financing abuse;
- (b) periodically conduct an assessment of the terrorism financing risks posed to such public benefit organizations;
- (c) develop focused, proportionate

and risk-based
actions to
address
terrorism
financing risks
identified in
paragraph (b);

- (d) ensure that the
measures
developed in
paragraph (c)
do not
undermine the
legitimate
operations of
public benefit
organizations.

(2) The
Authority shall
ensure effective co-
operation, co-
ordination and
information-sharing
on public benefit
organizations at
risk of terrorism
financing with the
Financial Reporting
Centre and relevant
law enforcement
authorities.

(3) The
Authority shall
have the power to
issue regulations,
guidelines,
directions, rules or
instructions for the
public benefit

organisation that
have been
identified to be at
risk

(4) The
Authority may
impose monetary,
civil or
administrative
sanctions for
violations under the
Act.

(5) The
Authority may
impose monetary,
civil or
administrative
sanctions for
violations under the
Act.

MEMORANDUM OF OBJECTS AND REASONS

The Bill seeks to amend various Acts of Parliament relating to anti-money laundering, countering the financing of terrorism and countering the financing of proliferation of weapons of mass destruction in addressing the technical compliance deficiencies identified arising from the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) re-rating and review by Financial Action Task Force and matters incidental thereto.

The Bill seeks to amend the following laws—

The Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A)

The Bill seeks to amend the Proceeds of Crime and Anti-Money Laundering Act by adopting the title Director General, the head of the Asset Recovery Agency, to align with other investigative agencies in the Country.

The Prevention of Terrorism Act (Cap. 59B)

The Bill proposes to amend the Prevention of Terrorism Act to expand the definition of “terrorism financing to include the offences stipulated under sections 5 and 5A of the Act. Further to this, the amendment seeks to align various provisions of the Act with FATF standards.

Betting Lotteries and Gaming Act (Cap. 131)

The Bill contains amendment to the Betting Lotteries and Gaming Act to empower and allow the Betting Control and Licencing Board to regulate and supervise entities that fall within its jurisdiction for anti-money laundering, counter financing of terrorism and counter proliferation financing.

The Retirement Benefits Act (Cap. 197)

The Bill seeks to amend the Retirement Benefits Act by strengthening the mandate of the Retirement Benefit Authority to regulate, supervise and enforce compliance of the entities under its watch for anti-money laundering, counter financing of terrorism and counter proliferation financing.

The Mining Act (Cap. 306)

The Bill contains amendment to the Mining Act to empower the Director of Mining, and in discharge of his functions, to regulate, supervise and enforce compliance of the persons under his supervision for anti-money laundering, counter financing of terrorism and counter proliferation financing.

The SACCO Societies Act (Cap. 490B)

The Bill seeks to amend the SACCO Societies Act by empowering Sacco Societies Regulatory Authority to regulate and supervise bodies under its purview for anti-money laundering, counter financing of terrorism and counter proliferation financing.

The Accountants Act (Cap. 531)

The Bill proposes to amend the Accountants Act to empower and allow the Institute of Certified Public Accountants of Kenya to, in discharge of its duties, regulate and supervise matters relating to anti-money laundering, counter financing of terrorism and counter proliferation financing.

Estate Agents Act (Cap. 533)

The Bill seeks to amend the Estate Agents Act to empower the Estate Agents Registration Board to regulate and supervise entities that fall within its jurisdiction for anti-money laundering, counter financing of terrorism and counter proliferation financing.

The Certified Public Secretaries of Kenya Act (Cap. 534)

The Bill proposes to amend the Certified Public Secretaries Act to strengthen the Institute of Certified Public Secretaries of Kenya to closely regulate and supervise issues relating to anti-money laundering, counter financing of terrorism and counter proliferation financing.

The Public Benefits Organizations Act, 2013 (No. 18 of 2013)

The Bill seeks to amend the Public Benefits Organisation Act to empower and allow the Public Benefits Regulatory Authority to oversight and monitor public benefits organisations that are at risk of terrorism financing in the Country.

Dated on the 11th February, 2025.

KIMANI ICHUNG'WAH,
Leader of the Majority Party.

Section 2 of Cap. 59A which it is intended to amend—

2. Interpretation

In this Act, unless the context otherwise requires—

"account" includes any facility or arrangement by which a reporting institution does any one or more of the following—

- (a) accepts deposits of monetary instruments;
- (b) allows withdrawals of monetary instruments or transfers into or out of the account;
- (c) pays cheques or payment orders drawn on a financial institution or collects cheques or payment orders on behalf of any person;
- (d) supplies a facility or arrangement for a safety or fixed term deposit box;

"accounting officer" means an accounting officer appointed under section 17 of the Government Financial Management Act (Repealed);

"Advisory Board" means the Asset Recovery Advisory Board established under section 55A;

"affected gift" means any gift made by the defendant at any time, if it was a gift of property—

- (a) received by that defendant in connection with an offence committed by him or any other person; or
- (b) any part thereof, which, directly or indirectly represents, in that defendant's hands, the property which that person received in that connection with an offence;

Provided that any such gift was made on or after the commencement of this Act;

"Agency" means the Assets Recovery Agency established under section 53(1);

"Agency Director" means the Director of the Agency appointed under section 53(2);

"authorised officer" means—

- (a) a police officer;
- (b) an officer of the department of the Kenya Revenue Authority for the time being responsible for matters relating to customs;
- (c) Agency Director; or

(d) any person or class of persons designated by the Cabinet Secretary as an authorised officer to perform any function under this Act;

"Board" means the Anti-Money Laundering Advisory Board established under section 49;

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

"Centre" means the Financial Reporting Centre established under section 21;

"competent authority" means a public authority other than a self-regulatory body with designated responsibilities for combating money laundering, financing of terrorism and proliferation financing;

"confiscation order" means an order referred to in section 61;

"court" means a court of competent jurisdiction;

"customs" or "the customs" means the customs department of the Kenya Revenue Authority;

"data" means representations, in any form, of information or concepts;

"defendant" means a person against whom a prosecution for an offence has been instituted, irrespective of whether that person has been convicted or not;

"designated non-financial businesses or professions" means—

- (a) casinos (including internet casinos);
- (b) real estate agencies;
- (c) dealing in precious metals;
- (d) dealing in precious stones;
- (e) accountants who are sole practitioners, partners or employees within professional firms;
- (f) non-governmental organisations;
- (fa) trust and company service providers;
- (fb) advocates, notaries and other independent legal professionals who are sole practitioners, partners or employees within professional firms;

- (g) such other business or profession in which the risk of money laundering, financing of terrorism and proliferation financing exists as the Cabinet Secretary may, on the advice of the Centre, declare;

"Deputy Director" deleted by Act No. 16 of 2021, s. 2 (a);

"Director-General " means the Director-General appointed under section 25;

"document" means any record of information, and includes—

- (a) anything on which there is writing;
- (b) anything on which there are marks, figures, symbols, or perforations having meaning for persons qualified to interpret them;
- (c) anything from which sounds, images, writings or data can be retrieved, with or without the aid of anything else; or
- (d) a map, plan, drawing, photograph, video tape or similar thing;

"estate agency" in connection with the selling, mortgaging, charging, letting or management of immovable property or of any house, shop or other building forming part thereof, means doing any of the following acts—

- (a) bringing together, or taking steps to bring together, a prospective vendor, lessor or lender and a prospective purchaser, lessee or borrower; or
- (b) negotiating the terms of sale, mortgage, charge or letting as an intermediary between or on behalf of either of the principals;

"financial group" means a group that consists of a parent company or of any other type of legal person exercising control and coordinating functions over the rest of the group, together with branches or subsidiaries that are subject to Anti-Money Laundering and Combating of Terrorism Financing policies and procedures at the group level;

"financial institution" means any person or entity, which conducts as a business, one or more of the following activities or operations—

- (a) accepting deposits and other repayable funds from the public;
- (b) lending, including consumer credit, mortgage credit, factoring, with or without recourse, and financing of commercial transactions;
- (c) financial leasing;

- (d) transferring of funds or value, by any means, including both formal and informal channels;
- (e) issuing and managing means of payment (such as credit and debit cards, cheques, travellers' cheques, money orders and bankers' drafts, and electronic money);
- (f) financial guarantees and commitments;
- (g) trading in—
 - (i) money market instruments, including cheques, bills, certificates of deposit and derivatives;
 - (ii) foreign exchange;
 - (iii) exchange, interest rate and index funds;
 - (iv) transferable securities; and
 - (v) commodity futures trading;
- (h) participation in securities issues and the provision of financial services related to such issues;
- (i) individual and collective portfolio management;
- (j) safekeeping and administration of cash or liquid securities on behalf of other persons;
- (k) otherwise investing, administering or managing funds or money on behalf of other persons;
- (l) underwriting and placement of life insurance and other investment related insurance; and
- (m) money and currency changing;

Provided that this applies both to insurance underwriter and to insurance intermediaries including agents and brokers;

"fixed date", in relation to a defendant against whom—

- (a) a prosecution for an offence has been instituted, means the date on which such prosecution has been instituted; or
- (b) a restraint order has been made means the date of such restraints order, whichever is the earlier date;

"Fund" means the Criminal Assets Recovery Fund established under section 109;

"inspector" means a person designated as such under this Act;

"Kenya Revenue Authority" means the Kenya Revenue Authority established by section 3 of the Kenya Revenue Authority Act (Cap. 469);

"Minister" deleted by Act No. 16 of 2021, s. 2 (d);

"monetary instruments" means—

- (a) coins and paper currency designated as legal tender of Kenya or of a foreign country and which is customarily used and accepted as a medium of exchange in Kenya or the country of issue;
- (b) travellers' cheques, personal cheques, bank cheques, money orders or securities;
- (c) any other negotiable instrument which is in bearer form, or other form through which title passes upon delivery;

"money laundering" means an offence under any of the provisions of sections 3, 4 and 7;

"offence" in this Act, means an offence against a provision of any law in Kenya, or an offence against a provision of any law in a foreign state for conduct which, if it occurred in Kenya, would constitute an offence against a provision of any law in Kenya;

"person" means any natural or legal person;

"proceeds of crime" means any property or economic advantage derived or realized, directly or indirectly, as a result of or in connection with an offence irrespective of the identity of the offender and includes, on a proportional basis, property into which any property derived or realized directly from the offence was later successively converted, transformed or intermingled, as well as income, capital or other economic gains or benefits derived or realized from such property from the time the offence was committed;

"property" means all monetary instruments and all other real or personal property of every description, including things in action or other incorporeal or heritable property, whether situated in Kenya or elsewhere, whether tangible or intangible, and includes an interest in any such property and any such legal documents or instruments evidencing title to or interest in such property;

"realizable property" means—

- (a) property laundered;
- (b) proceeds from or instrumentalities used in, or intended to be used in money laundering or predicate offences;

(c) property that is the proceeds of, or used, or intended or allocated for use in, the financing of any offence; and

(d) property of corresponding value;

"regulations" means regulations made under this Act;

"reporting institution" means a financial institution and designated non-financial business and profession;

"restraint order" means an order made under section 68;

"Self-regulatory body" means the Law Society of Kenya;

"supervisory body" means a functionary or institution specified in the First Schedule or such other functionary or institution as may be prescribed by the Cabinet Secretary;

"tainted property" in relation to an offence means —

(a) any property used in, or in connection with, the commission of the offence;

(b) any proceeds of the offence; or

(c) any property in Kenya which is the proceeds of a foreign offence in respect of which an order may be registered, and when used without reference to a particular offence means tainted property in relation to an arrestable offence.

Section 11 of Cap. 59A which it is intended to amend—

11. Failure to comply with the provisions of this Act

(1) A reporting institution that fails to comply with any of the requirements of sections 44, 45 and 46, or of any regulations, commits an offence.

Section 12 of Cap. 59A which it is intended to amend—

12. Conveyance of monetary instruments to or from Kenya

(6) An authorised officer, other than Agency Director, shall immediately but not later than five days surrender monetary instruments seized under subsection (4) to the Agency Director in such manner as the Agency Director may direct.

Section 24B of Cap. 59A which it is intended to amend—

24B. Powers of the Centre to impose civil penalties for non-compliance

(1) Without derogating from any criminal penalty or other sanction that may be imposed by this Act, where a person or a reporting institution

is in breach of, or fails to comply with any instruction, direction or rules issued by the Centre under this Act—

Section 36C of Cap. 59A which it is intended to amend—

36C. Powers of supervisory bodies

(1) Without prejudice to the provisions of section 36A, a supervisory body shall have powers—

(f) to undertake consolidated supervision for anti-money laundering, combating terrorism countering financing and countering proliferation financing purposes of a reporting institution and its group

Section 36D of Cap. 59A which it is intended to amend—

36D. Risk-based approach

(1) The Centre and supervisory bodies shall, in fulfilling their obligation to effectively monitor reporting institutions, use a risk-based approach.

(2) The Centre and supervisory bodies shall, in applying a risk-based approach to supervision, ensure that they—

(c) base the frequency and intensity of on-site and off-site supervision on—

- (i) the money laundering, terrorist financing proliferation and financing risks, internal and the policies controls and procedures associated with the business activities of a reporting institution, as identified by the Centre or supervisory body's assessment of its risk profile;
- (ii) the risks laundering, of money terrorist financing and proliferation financing in the country as identified within any information that is made available to the Centre or supervisory body; and
- (iii) the characteristics of the reporting institution, in particular the diversity and number of such institutions and the degree of discretion allowed to a reporting institution under the risk-based approach.

(3) The Centre or supervisory body shall review the assessment of the money laundering, terrorist financing and proliferation financing risk profile of a reporting institution or group, including the risks of noncompliance periodically, and when there are major events or developments in the management and operations of the reporting institution or group.

Section 48 of Cap. 59A which it is intended to amend—

48. Application of reporting obligations

The obligations under this Part shall apply to—

- (a) accountants, advocates, notaries and other independent legal professionals who are sole practitioners, partners or employees within professional firms when preparing or carrying out transactions for their clients in the following situations—
 - (i) buying and selling of real estate;
 - (ii) managing of client money, securities or other assets;
 - (iii) management of bank, savings or securities accounts;
 - (iv) organisation of contributions for the creation, operation or management of companies; or
 - (v) creation, operation or management of buying and selling of business entities or legal arrangements; or
- (b) a trust or company service provider not otherwise covered elsewhere in this Act, which as a business, provides any of the following services to third parties—
 - (i) acting as a formation agent of legal persons;
 - (ii) acting as, or arranging for another person to act as, a director or secretary of a company, a partner of a partnership, or a similar position in relation to other legal persons;
 - (iii) providing a registered office, business address or accommodation, correspondence or administrative address for a company, a partnership or any other legal person or arrangement;
 - (iv) acting as, or arranging for another person to act as, trustee of an express trust;
 - (v) acting as or arranging for another person to act as, a nominee shareholder for another person.

Section 53 of Cap. 59A which it is intended to amend—

53. The Agency and its Director

(1) There is established a body to be known as Assets Recovery Agency, which shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name, be capable of—

- (a) suing and being sued;

(b) holding and alienating movable and immovable property;

(c) borrowing and lending money;

(d) doing and performing all such other acts or things as may be lawfully done by a body corporate.

(2) The Attorney-General shall upon recommendation by the Advisory Board appoint a fit, competent and proper person to be the Director of the Agency (hereinafter referred to as the "Agency Director").

(2A) The Agency Director shall hold office for a term of four years and shall be eligible for re-appointment for one further term of four years.

(3) For a person to be appointed as the Agency Director, that person shall—

(a) hold a degree in law, finance, accounting or any other relevant degree from a university recognised in Kenya;

(b) have at least fifteen years work experience, of which at least five shall be in senior management;

(c) meet such other requirements that may be specified by the Advisory Board.

(4) The Agency Director may, with the approval of the Attorney-General, obtain such number of staff on secondment and on terms and conditions of service as may be approved by the Attorney-General, and may make such arrangements for the provision of services, as he considers appropriate for or in connection with the exercise of his functions.

(5) Anything which the Agency Director is authorised or required to do may be done by—

(a) a member of staff of the Agency, or

(b) a person providing services under arrangements made by the Agency Director, if authorised by the Agency Director (generally or specifically) for that purpose.

Section 53A of Cap. 59A which it is intended to amend—

53A. Staff of the Agency

(3) In determining the terms and conditions of service for the Agency Director and staff, the Attorney-General shall be guided by the following principles—

(4) The Agency shall, with the approval of the Cabinet Secretary for finance, establish a suitable social security scheme for the Agency Director and staff of the Agency.

(5) For the purposes of their functions under the Act, the Agency Director, certified forensic and financial investigators, shall have all the powers, privileges and immunities of a police officer in addition to any other powers they may have under the Act.

Section 54C of Cap. 59A which it is intended to amend—

54C. Estimates of expenditure

(3) The annual estimates shall make provisions for all the estimated expenditure of the Agency for the financial year concerned and in particular, shall provide for—

- (a) the payment of salaries, allowances and other charges in respect of the Agency Director and other staff of the Agency;

Section 54F of Cap. 59A which it is intended to amend—

54F. The common seal of the Agency

(1) The common seal of the Agency shall be such device as may be determined by the Agency Director.

(2) The common seal of the Agency shall be kept in such custody as the Agency Director shall direct and shall not be used except on the order of the Agency Director.

Section 55A of Cap. 59A which it is intended to amend—

55A. Asset Recovery Advisory Board

(1) There is established an advisory board to be known as the Asset Recovery Advisory Board which shall consist of—

- (k) the Agency Director, who shall be an ex-officio member of the Advisory Board.

Section 55G of Cap. 59A which it is intended to amend—

55G. Cabinet Secretary to make Regulations

(1) The Cabinet Secretary shall, in Regulations, prescribe the manner of discharging the functions of the Advisory Board including the procedure at its meetings.

(2) Notwithstanding the generality of subsection (1), the Advisory Board shall regulate its own procedure.

Section 61 of Cap. 59A which it is intended to amend—

61. Confiscation orders

(1) Whenever a defendant is convicted of an offence, the court convicting the defendant shall, on the application of the Attorney-General,

the Agency Director or of its own motion, inquire into any benefit which the defendant may have derived from—

(5) A court before which proceedings under this section are pending, may, in considering an application under subsection (1)—

- (i) refer to the evidence and proceedings at the trial;
- (ii) hear further oral evidence or take documentary evidence as the court may deem fit;
- (iii) direct the Agency Director to tender to the court the affidavit referred to in section 64(1); and

Section 64 of Cap. 59A which it is intended to amend—

64. Statements relating to proceeds of crime

(1) The Agency Director may or, if so directed by the court, shall tender to the court an affidavit by the defendant or any other person in connection with any matter which is being inquired into by the court under section 61(1), or which relates to the determination of the value of a defendant's proceeds of crime.

(6) A copy of the affidavit or affirmation tendered under subsection (5) shall be served on the Agency Director.

(7) The Agency Director may admit the correctness of any allegation contained in an affidavit or affirmation tendered under subsection (5).

(8) In so far as the Agency Director admits the correctness of any allegation contained in an affidavit or affirmation tendered under subsection (5), that allegation shall be considered to be conclusive proof of the matter to which it relates.

Section 67 of Cap. 59A which it is intended to amend—

67. Procedure where person absconds or dies

(1) If a court is satisfied—

(a) that—

- (i) a person had been charged with an offence; or
- (ii) a person had been convicted of any offence; or
- (iii) a restraint order had been made against a person; or
- (iv) there is sufficient evidence for putting a person on trial for an offence; and

- (b) a warrant for that person's arrest had been issued and that the attendance of that person in court could not be secured after all reasonable steps were taken to execute that warrant;
- (c) the proceedings against that person cannot be resumed within a period of six months due to his continued absence; and
- (d) there are reasonable grounds to believe that a confiscation order would have been made against that person were it not for his continued absence,

the court may, on an application by the Agency Director, inquire into any benefit he may have derived from that offence.

(2) Whenever a defendant who has been convicted of an offence dies before a confiscation order is made, the court may, on an application by the Agency Director, inquire into any benefit he may have derived from that offence if the court is satisfied that there are reasonable grounds to believe that a confiscation order would have been made against him were it not for his death.

Section 68 of Cap. 59A which it is intended to amend—

68. Restraint orders

(1) The Agency Director may apply to a court *ex parte* for an order prohibiting any person, subject to such conditions and exceptions as may be specified in the order, from dealing in any manner with any property to which the order relates.

Section 71 of Cap. 59A which it is intended to amend—

71. Seizure of property subject to restraint order

(1) In order to prevent any realizable property from being disposed of or removed contrary to a restraint order, a police officer may seize that property if he has reasonable grounds to believe that the property will be so disposed of or removed.

Section 75 of Cap. 59A which it is intended to amend—

75. Realization of property

(2) A court may, on the application of the Agency Director—

Section 82 of Cap. 59A which it is intended to amend—

82. Preservation orders

(1) The Agency Director may, by way of an *ex parte* application apply to the court for an order prohibiting any person, subject to such conditions and exceptions as may be specified in the order, from dealing in any manner with any property.

Section 83 of Cap. 59A which it is intended to amend—

83. Notice of preservation orders

(1) If a court makes a preservation order, the Agency Director shall, within twenty-one days after the making of the order, give notice of the order to all persons known to the Agency Director to have an interest in property which is subject to the order; and publish a notice of the order in the Gazette.

(4) A notice under subsection (3) shall be served upon the Agency Director, in the case of—

Section 85 of Cap. 59A which it is intended to amend—

85. Seizure of property subject to preservation orders

(1) In order to prevent property subject to a preservation order from being disposed of or removed contrary to that order, any police officer may seize any of that property if he has reasonable grounds to believe that the property will be so disposed of or removed.

Section 86 of Cap. 59A which it is intended to amend—

86. Appointment of manager in respect of property subject to preservation orders

(1) Where a court has made a preservation order, the court shall, if it deems it appropriate or at the request of the Agency Director, at the time of the making of the order or at a later time—

- (a) appoint a manager to do, subject to the directions of that court or the Agency Director, any one or more of the following on behalf of the person against whom the preservation order has been made, namely—

Section 90 of Cap. 59A which it is intended to amend—

90. Application for forfeiture order

(1) If a preservation order is in force, the Agency Director may apply to the High Court for an order forfeiting to the Government all or any of the property that is subject to the preservation order.

(2) The Agency Director shall give fourteen days notice of an application under subsection (1) to every person who served notice in terms of section 83(3).

Section 93 of Cap. 59A which it is intended to amend—

93. Protection of third parties

(4) A person who makes an application under subsection (1) or (2) shall give not less than fourteen days written notice of the making of the

application to the Agency Director who shall be a party to any proceedings in the application.

(5) An applicant or the Agency Director may in accordance with the High Court rules, appeal to the Court of Appeal against an order made under subsection (1).

Section 94 of Cap. 59A which it is intended to amend—

94. Exclusion of interests in property

(4) If an applicant for an order under subsection (1) adduces evidence to show that he did not know or did not have reasonable grounds to suspect that the property in which the interest is held is tainted property, the Agency Director may submit a return of the service on the applicant of a notice issued under section 90(3) in rebuttal of that evidence in respect of the period since the date of such service.

(5) Where the Agency Director submits a return of the service on the applicant under subsection (4), the applicant shall, in addition to the facts referred to in subsections (2)(a) and (b), also prove on a balance of probabilities that, since such service, he has taken all reasonable steps to prevent the further use of the property concerned in the commission of an offence.

Section 95 of Cap. 59A which it is intended to amend—

95. Forfeiture order by default

(2) The High Court may, before making an order in terms of subsection (1), call upon the Agency Director to adduce such further evidence, either in writing or orally, in support of his application as the High Court may consider necessary.

Section 99 of Cap. 59A which it is intended to amend—

99. Fulfilment of forfeiture order

(1) The manager shall, subject to any order for the exclusion of interests in forfeited property under section 94(2)(a) or 96(3) and in accordance with the directions of the Agency Director—

Section 103 of Cap. 59A which it is intended to amend—

103. Production orders

(1) Where a person has been charged with or convicted of an offence, and a police officer has reasonable grounds for suspecting that any person has possession or control of—

- (a) a document relevant to identifying, locating or quantifying property of the person, or to identifying or locating a document necessary for the transfer of property of such person; or
- (b) a document relevant to identifying, locating or quantifying tainted property in relation to the offence, or to identifying or locating a document necessary for the transfer of tainted property in relation to the offence, the police officer may make an ex parte application with a supporting affidavit to a court for an order against the person suspected of having possession or control of a document of the kind referred to.

(2) A police officer to whom the documents are produced may —

- (a) inspect the documents;
- (b) make copies of the documents; or
- (c) retain the documents for as long as is reasonably necessary for the purposes of this Act.

(3) Where a police officer retains documents produced to him, he shall make a copy of the documents available to the person who produced them.

Section 105 of Cap. 59A which it is intended to amend—

105. Failure to comply with a production order

(1) Where a person is required by a production order to produce a document to a police officer, the person commits an offence under this section if he—

Section 107 of Cap. 59A which it is intended to amend—

107. Search warrant for location of documents relevant to locating property

(1) Where—

- (a) a person has been charged or convicted of an offence; or
- (b) a police officer has reasonable grounds for suspecting that there is or may be, within the next seventy-two hours, upon any land or in any premises, a document of the type described in section 103(1) in relation to the offence,

the police officer may make an application supported by an affidavit to a court of competent jurisdiction for a search warrant in respect of that land or those premises.

(2) Where an application is made under subsection (1) for a warrant to search land or premises, the court may, subject to subsection (4) issue a warrant authorizing a police officer, whether or not named in the warrant, with such assistance and by such force as is necessary and reasonable—

(a) to enter upon the land or into any premises and to search the land or premises for property of that kind; and

(b) to seize property found in the course of the search that the police officer believes on reasonable grounds to be property of that kind.

(3) A court shall not issue a warrant under subsection (2) unless it is satisfied that—

(a) a production order has been given in respect of the document and has not been complied with; or

(b) a production order in respect of the document would be unlikely to be effective; or

(c) the investigation for the purposes of which the search warrant is being sought might be seriously prejudiced if the police officer does not gain immediate access to the document without any notice to any person; or

(5) If during the course of searching under a warrant issued under this section, a police officer finds—

(a) a document of the type described in section 103(1) that the police officer believes on reasonable grounds to relate to the relevant offence, or to another offence; or

(b) anything the police officer believes on reasonable grounds will afford evidence as to the commission of an offence,

the police officer may seize that property or thing and the warrant shall be deemed to authorise such seizure.

Section 124 of Cap. 59A which it is intended to amend—

124. Hearings of court to be open to public

(3) An application for proceedings to be held behind closed doors may be brought by the Attorney-General or the manager referred to in section 68 and any other person referred to in subsection (2), and such application shall be heard behind closed doors.

Section 134 of Cap. 59A which it is intended to amend—

134. Regulations

(1) The Cabinet Secretary shall make Regulations—

- (a) with regard to the nature of the information contemplated in section 44 and the manner in which it is to be reported;
 - (b) with regard to the designation of persons for purposes of section 47;
 - (c) in consultation with the Chief Justice, prescribing from time to time the maximum allowable costs for legal services in connection with an application for a preservation of property order or forfeiture order or the defending of a criminal charge which may be met out of property that is subject to a preservation of property order;
 - (d) providing for high risk customers or clients; and
 - (e) providing for any matter which he may consider necessary or expedient to prescribe or to regulate in order to achieve the objects of this Act.
- (2) Notwithstanding the provisions of subsection (1), the Cabinet Secretary may make regulations generally for carrying out the purposes and provisions of this Act, including the following—
- (a) regulations that require reporting institution to exercise due diligence and take reasonable measures to satisfy themselves as to the true identity of any person seeking to enter into a business relationship with them, or seeking to carry out a transaction or series of transactions with them, by requiring the person to produce an official record reasonably capable of establishing the true identity of the person;
 - (b) regulations that require reporting institutions to establish and maintain records of transactions;
 - (c) regulations that require reporting institutions to report transactions or activities that they have reasonable grounds to believe are suspicious or unusual as defined by the regulations and this Act; or
 - (d) regulations that require reporting institutions to establish and maintain internal reporting procedures to make employees aware of domestic laws relating to money-laundering, and the procedures and related policies established and maintained by them pursuant to this Act, to provide employees with appropriate training in the recognition and handling of suspicious activities that may be indicative of money-laundering, to provide for an independent auditing of monitoring procedures, and to maintain an adequate anti-money laundering compliance programme.

First Schedule to Cap. 59A which it is intended to amend—

The following institutions are the supervisory bodies referred to in section 2—

- (a) Central Bank of Kenya;
- (b) Insurance Regulatory Authority;
- (c) Betting and Licensing Control Board;
- (d) Capital Markets Authority;
- (e) Institute of Certified Public Accountants of Kenya;
- (f) Estate Agents Registration Board;
- (g) Non-Governmental Organizations Co-ordination Board;
- (h) Retirement Benefits Authority;
- (i) Law Society of Kenya;
- (j) Sacco Societies Regulatory Authority.

Section 2 of Cap. 59B which it is intended to amend—

2. Interpretation

(1) In this Act, unless the context otherwise requires—

"aircraft" has the meaning assigned to it under the Civil Aviation Act (Cap. 394)

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to internal security;

"Committee" means the Counter Financing of Terrorism Inter-Ministerial Committee established under section 40D(1) of this Act;

"communication" means a information received or transmitted through the postal service or through a telecommunication system within the meaning of the Kenya Information and Communications Act (Cap. 411A);

"communications service provider" means a person who is licensed under the Kenya Information and Communications Act to provide postal or telecommunication services;

"competent authority" in relation to a foreign State, means the Attorney-General or the equivalent officer of that State;

"entity" means a person, group of persons, trust, partnership, fund or an unincorporated association or organization;

"financial institution" means any person or entity, which conducts as a business, one or more of the following activities or operations—

- (a) accepting deposits and other repayable funds from the public;
- (b) lending, including consumer credit, mortgage credit, factoring, with or without recourse, and financing of commercial transactions;
- (c) financial leasing;
- (d) transferring of funds or value, by any means, including both formal and informal channels;
- (e) issuing and managing means of payment (such as credit and debit cards, cheques, travellers' cheques, money orders and bankers' drafts and electronic money);
- (f) financial guarantees and commitments;
- (g) trading in—
 - (i) money market instruments including cheques, bills, certificates of deposit and derivatives;
 - (ii) foreign exchange;
 - (iii) exchange, interest rate and index funds;
 - (iv) transferable securities; or
 - (v) commodity futures trading;
- (h) participation in securities issues and the provision of financial services related to such issues;
- (i) individual and collective portfolio management;
- (j) safekeeping and administration of cash or liquid securities on behalf of other persons;
- (k) otherwise investing, administering or managing funds or money on behalf of other persons;
- (l) underwriting and placement of life insurance and other investment related insurance;
- (m) money and currency changing;

"Financial Reporting Centre" means the Financial Reporting Centre established under section 21 of the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A);

"funds" means assets of every kind, whether corporeal or incorporeal, tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets;

"Inspector-General" means the Inspector-General of the National Police Service appointed under Article 245 of the Constitution;

"master" in relation to a vessel, means the owner or person other than a harbour master or pilot having for the time being command or charge of the vessel;

"operator", in relation to an aircraft, has the meaning assigned to it under the Civil Aviation Act (Cap. 394);

"proliferation acts" means manufacturing, acquiring, possessing, developing, exporting, trans-shipping, brokering, transporting, transferring, stockpiling, supplying, selling or using nuclear, ballistic, chemical, radiological or biological weapons or any other weapon capable of causing mass destruction, and their means of delivery and related materials including technology, goods, software, services or expertise in contravention of this Act or any international obligations derived from relevant United Nations Security Council Resolutions;

"property" means assets of every kind, whether corporeal or incorporeal, moveable or immoveable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in such assets and includes funds;

"reporting institution" has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A);

"specified entity" means an entity in respect of which an order under section 3 has been made;

"terrorist act" means an act or threat of action —

(a) which —

- (i) involves the use of violence against a person;
- (ii) endangers the life of a person, other than the person committing the action;
- (iii) creates a serious risk to the health or safety of the public or a section of the public;
- (iv) results in serious damage to property;
- (v) involves the use of firearms or explosives;

- (vi) involves the release of any dangerous, hazardous, toxic or radioactive substance or microbial or other biological agent or toxin into the environment;
- (vii) interferes with an electronic system resulting in the disruption of the provision of communication, financial, transport or other essential services;
- (viii) interferes or disrupts the provision of essential or emergency services;
- (ix) prejudices national security or public safety; and (b) which is carried out with the aim of—
- (i) intimidating or causing fear amongst members of the public or a section of the public; or
- (ii) intimidating or compelling the Government or international organization to do, or refrain from any act; or
- (iii) destabilizing the religious, political, Constitutional, economic or social institutions of a country, or an international organization:

Provided that an act which disrupts any services and is committed in pursuance of a protest, demonstration or stoppage of work shall be deemed not to be a terrorist act within the meaning of this definition so long as the act is not intended to result in any harm referred to in paragraph (a)(i) to (iv);

"terrorist group" means—(a) an entity that has as one of its activities and purposes, the committing of, or the facilitation of the commission of a terrorist act; or (b) a specified entity;

"terrorist property" means—(a) proceeds from the commission of a terrorist act, money or other property which has been, is being, or is intended to be used to commit a terrorist act; (b) money or other property which has been, is being, or is intended to be used by a terrorist group; or (c) any property belonging to a specified entity;

"vessel" means any thing made or adapted for the conveyance by water of people or property;

"weapon" includes a firearm within the meaning assigned to it under the Firearms Act (Cap. 114), explosive, chemical, biological, nuclear or other lethal device.

Section 5A of Cap. 59B which it is intended to amend—

5A. Financing of travel for terrorism purposes

A person who finances the travel of an individual to a State other than that individual's State of residence or nationality for the purpose of

the perpetration, planning, or preparation of, or participation in, a terrorist act or the providing or receiving of terrorist training commits an offence.

Section 29 of Cap. 59B which it is intended to amend—

29. Collection of information

A person who is a member of a terrorist group or who, in committing or in instigating, preparing or facilitating the commission of a terrorist act, holds, collects, generates or transmits information for the use in the commission of a terrorist act commits an offence, and is liable, on conviction, to imprisonment for a term not exceeding thirty years.

Section 30 of Cap. 59B which it is intended to amend—

30. Possession of an article connected with an offence under this Act

A person who knowingly possesses an article or any information held on behalf of a person for the use in instigating the commission of, preparing to commit or committing a terrorist act commits an offence, and is liable, on conviction, to imprisonment for a term not exceeding twenty years.

Section 30H of Cap. 59B which it is intended to amend—

30H. Penalties for legal persons

(1) A legal person who contravenes the provisions of sections 4, 10, 11, 12, 12B, 12C, 12D, 13, 14, 14A, 21, 24, 27, 28, 29 or 30 D commits an offence and is liable, on conviction, to a fine not exceeding thirty million shillings.

Section 36A of Cap. 59B which it is intended to amend—

36A. Interception of communication by the National Security Organs

(1) The National Security Organs may intercept communication for the purposes of detecting, deterring and disrupting terrorism in accordance with procedures to be prescribed by the Cabinet Secretary.

(2) The Cabinet Secretary shall make regulations to give effect to subsection (1), and such regulations shall only take effect upon approval by the National Assembly.

(3) The right to privacy under Article 31 of the Constitution shall be limited under this section for the purpose of intercepting communication directly relevant in the detecting, deterring and disrupting terrorism.

Section 40E of Cap. 59B which it is intended to amend—

40E. Functions of the Committee

(2) The Committee may, in carrying out its functions, co-ordinate with the relevant competent party and any other person for the purposes of —

- (a) identifying persons or entities for the purpose of designation;
- (b) examining and giving effect, upon a request by a foreign country, to an action initiated under the freezing mechanism of that foreign country, which is consistent with the public interest of Kenya;
- (c) considering requests for the delisting of a designated entity under this Act and the regulations made thereunder; and
- (d) the performance of its functions under this Act.

Section 42A of Cap. 59B which it is intended to amend—

42A. Role of the Financial Reporting Centre and supervisory bodies

(1) The Financial Reporting Centre and supervisory bodies shall have the power to supervise and enforce the application of preventative measures to combat the financing of terrorism and combat the financing of proliferation acts by reporting institutions.

(2) For the purposes of this section—

- (a) "preventative measures" include measures under Part IV of the Proceeds of Crime and Anti-Money Laundering Act, 2009; and
- (b) "Supervisory body" has the meaning assigned under section 2 of the Proceeds of Crime and Anti-Money Laundering Act, 2009.

Section 50 of Cap. 59B which it is intended to amend—

50. Power to make rules

(4) Regulations made under this section shall be laid before the National Assembly.

Section 2 of Cap. 131 which it is intended to amend—

2. Interpretation

In this Act, unless the context otherwise requires—

"authorized race meeting" means a race meeting in respect of which a permit authorizing bookmaking to take place thereat has been issued under section 23;

"betting premises" means premises to which the public has or may have access and which are kept or used (whether on one occasion or more than one) for the purpose of—

- (a) bets being made therein between persons resorting to the premises and the owner, occupier or keeper thereof, or any person using the premises, or any person procured or employed by or acting for or on behalf of the owner, occupier, keeper or person using the premises, or of any person having the care or management or in any manner conducting the business thereof; or
- (b) any money or valuable thing being received by or on behalf of the owner, occupier, keeper or person aforesaid as or for the consideration for any assurance, undertaking, promise or agreement, express or implied, to pay or give, or for securing the paying or giving by some other person of, any money or valuable thing on any horse race, or other race, fight, game, sport, lottery or exercise, or any other event or contingency;

"betting transaction" includes the collection or payment of winnings on a bet and any transaction in which one or more of the parties is acting as a bookmaker;

"bookmaker" means a person who, whether on his own account or as servant or agent to another person, carries on, whether occasionally or regularly, the business of receiving or negotiating bets, or who in any manner holds himself out, or permits himself to be held out in any manner, as a person who receives or negotiates bets, so however that a person shall not be deemed to be a bookmaker by reason only of the fact—

- (a) that he carries on, or is employed in operating, a totalisator in respect of which a licence has been issued under section 18; or
- (b) that he carries on, or is employed in a business that is wholly concerned with, a pool betting scheme in respect of which a licence has been issued under section 22;

"Collector" means the Commissioner-General appointed under the Kenya Revenue Authority Act (Cap. 469);

"coupon", in relation to a pool betting scheme or proposed pool betting scheme, includes a document connected with, or designed to assist in the making of, a bet by way of pool betting;

"game of chance" includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined, but does not include an athletic game or sport;

"gaming" means the playing of a game of chance for winnings in money or money's worth;

"gaming machine" means a machine for playing a game of chance, being a game which requires no action by a player other than the actuation or manipulation of the machine;

"gaming premises" means premises which are kept or used (whether on one occasion or more than one) for gaming, and to which the public has or may have access for the playing therein of a game of chance, whether the game of chance be an unlawful game or not;

"gaming revenue" means gross turnover less the amount paid out to customers as winnings;

"horse race" includes a pony race;

"instruments of gaming" means cards, dice, counters, coins, tickets, gaming tables, boards, boxes, or other things devised, or birds and animals used, for the purpose of gaming;

"licensed betting premises" means premises duly licensed in terms of this Act as premises wherein bets may be made and settled;

"licensed gaming premises" means premises licensed under this Act as premises to which the public may resort for the purpose of gaming;

"licensee" means a person issued with a licence under any of sections 16, 18, 22 and 46;

"lottery" includes a sweepstake, a raffle and any scheme or device for the sale, gift, disposal or distribution of any property depending upon or to be determined by lot or chance, whether by the throwing or casting of dice, or by the withdrawing of tickets, cards, lots, numbers or figures, or by means of a wheel, or otherwise howsoever;

"money" includes a cheque, bank note, postal order or money order;

"newspaper" includes a journal, magazine or other periodical publication;

"permit-holder" means the holder of a permit issued under any sections 23, 36, 39, 54 and 58;

"pool betting" means the making of bets (other than bets made by means of totalisator), whether the bets are made on the system known as a fixed odds betting or otherwise, by a number of persons on terms that the winnings of such of those persons as are winners shall be, or be a share of, or be determined by reference to, the stake money paid or agreed to be paid by those persons;

"pool betting scheme" means a scheme involving the receiving or negotiating of bets made by way of pool betting;

"premises" includes any place, and in sections 14, 35, 45, 50, 53 and 58 also includes any vessel;

"racecourse" means a place used for the purpose of holding a race meeting;

"race day" means a day on which a race meeting is held;

"race meeting" means a gathering of the public or of the members of an association of persons to watch horse races or other races;

"tax" means any charges, fees, levies or impositions imposed under this Act;

"the Board" means the Betting Control and Licensing Board established by section 3;

"the Principal Secretary" means the Principal Secretary of the Ministry for the time being responsible for Betting, Lotteries and Gaming;

"ticket", in relation to any lottery or proposed lottery, includes any document evidencing the claim of a person to participate in the chances of the lottery;

"to bet" means to wager or stake any money or valuable thing by or on behalf of any person or, expressly or impliedly to undertake, promise or agree to wager or stake by or on behalf of any person, any money or valuable thing on a horse race, or other race, fight, game, sport, lottery or exercise or any other event or contingency;

"totalisator" means the instrument, machine or contrivance commonly known as a totalisator, or any other instrument, machine or contrivance of a similar nature, or a scheme for enabling any number of persons to make bets on any event or contingency whatsoever with one another or principles of a similar nature;

"turf club" means a club or association or other body of persons (whether incorporated or unincorporated) established for the purpose of promoting, conducting and controlling the sport of horse racing;

"unlawful game" means a game of chance the chances of which are not alike favourable to all the players, including the banker or other person or persons by whom the game is managed or against whom the other players stake, play or bet;

"winnings" includes winnings of any kind and a reference to the amount or to the payment of winnings shall be construed accordingly.

Section 50 of Cap. 197 which it is intended to amend—

2. Interpretation

In this Act, unless the context otherwise requires—

“actuary” means a person who is a Fellow of the Institute of Actuaries in England, or the Faculty of Actuaries in Scotland, or the Canadian Institute of Actuaries, or the Society of Actuaries of the United States of America or the Institute of Actuaries of Japan or the Institute of Actuaries of Australia or a person holding such equivalent qualification as the Board may, by notice in the Gazette, prescribe;

“administrator” means a person appointed by trustees to administer a scheme in accordance with such terms and conditions of service as may be specified in the instrument of appointment;

“authority” means the Retirement Benefits Authority established by section 3;

“Board” means the Board of Directors of the Authority constituted under section 6;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to Finance;

“Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under section 11;

“corporate trustee” means a limited liability company incorporated under the Companies Act (Cap. 486), which is, for the time being, empowered under any written law, its charter, memorandum of association, deed of settlement or other instrument constituting it or defining its powers to mainly undertake trusts, and includes a trust corporation;

“custodian” means a company whose business includes taking responsibility for the safe custody of the funds, securities, financial instruments and documents of title of the assets of scheme funds;

“financial year”—

(a) in relation to the Authority, has the meaning assigned to it in section 19;

(b) in relation to a scheme, means such accounting period as may be prescribed in the scheme rules;

“Fund” means the Retirement Benefits Authority Fund established by section 17;

"Levy" means the Retirement Benefits Levy to be imposed under section 16;

"manager" means a company whose business includes —

- (i) undertaking, pursuant to a contract or other arrangement, the management of the funds and other assets of a scheme fund for purposes of investment;
- (ii) providing consultancy services on the investment of scheme funds; or
- (iii) reporting or disseminating information concerning the assets available for investment of scheme funds;

"member" means a member of a retirement benefits scheme and includes a person entitled to or receiving a benefit under a retirement benefits scheme;

"pooled fund" means a fund established by a limited liability company, other than an approved issuer, for purposes of pooling scheme funds for collective investment;

"post-retirement medical fund" means a fund established under this Act into which contributions are made and from which costs of medical benefits can be met in accordance with the medical fund rules;

"retirement benefits scheme" means any scheme or arrangement (other than a contract for life assurance) whether established by a written law for the time being in force or by any other instrument, under which persons are entitled to benefits in the form of payments or post-retirement medical cover determined by age, length of service, amount of earnings or otherwise and payable primarily upon retirement, or upon death, termination of service, or upon the occurrence of such other event as may be specified in such written law or other instrument;

"scheme" means a retirement benefits scheme;

"scheme fund" means the retirement benefits scheme fund to be established pursuant to the provisions of section 32;

"scheme rules" means the rules specifically governing the constitution and administration of a particular scheme;

"sponsor" means a person who establishes a scheme;

"statutory fund" has the meaning assigned to it in section 2 of the Insurance Act (Cap. 487);

"Tribunal" means the Appeals Tribunal established under section 48;

"trust corporation" means a company incorporated under the Companies Act (Cap. 486) having a subscribed capital of not less than ten million shillings and which is for the time being empowered (by or under any written law, its charter, memorandum of association, deed of settlement or other instrument constituting it or defining its powers) to undertake trusts;

Provided that such company does not, by any prospectus, circular, advertisements, or other documents issued by it or on its behalf, state or hold out that any liability attaches to the Public Trustee or to the Consolidated Fund in respect of any act or omission of the company when acting as an executor or administrator;

"trustee" means a trustee of a scheme fund and includes a trust corporation.

Section 4 of Cap. 306 which it is intended to amend—

4. Interpretation

In this Act, unless the context otherwise requires—

"application" includes—

- (a) an application for the grant, renewal, transfer, assignment or surrender of a mineral right; or
- (b) an application for the grant or renewal of a mineral dealer's licence or a diamond dealer's licence;

"arm's-length value" means the purchase price under an immediate sale transaction in an open market where the purchase price for the sale—

- (a) is not influenced by any special relationship or other arrangement between the parties to the transaction, other than the immediate sale itself; and
- (b) is not affected by any non-commercial or other considerations; and specifically excludes any barter, swap, exchange, or transfer price arrangements or any restricted transaction that is associated with special financial, commercial or other considerations;

"artisanal mining" means traditional and customary mining operations using traditional or customary ways and means;

"artisanal mining permit" means a permit issued under section 95;

"banker" includes a manager, cashier or any other officer acting in that capacity of a company engaged in the business of banking within Kenya and in compliance with the provisions of the Banking Act (Cap. 488);

"block or cadastral unit" means a pseudo-quadrilateral formed by two meridians of longitude and two parallels of latitude of the Cadastral Graticule spaced fifteen seconds apart;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for mining;

"community" means —

(a) a group of people living around an exploration and mining operations area; or

(b) a group of people who may be displaced from land intended for exploration and mining operations;

"Community Development Agreement" means an agreement entered into between a large-scale mining licence holder and a community;

"construction minerals" includes stones, gravel, sands, soils, clay,

volcanic ash, volcanic cinder and any other minerals used for the construction of buildings, roads, dams, aerodromes and landscaping or similar works, and such other minerals as the Cabinet Secretary may from time to time declare to be construction minerals, by notice published in the Gazette;

"company" has the meaning assigned to it under the Companies Act (Cap. 486);

"Corporation" means the National Mining Corporation established in section 22;

"Council of County Governors" means the Council of County Governors established under section 19 of the Intergovernmental Relations Act (Cap. 265F);

"day" means a calendar day;

"diamond" includes a rough and uncut diamond;

"Director of Geological Survey" means the Director of Geological Survey appointed under section 18;

"Director of Mines" mean the Director of Mines appointed under section 18;

"environment" has the meaning assigned to it under the Environmental Management and Coordination Act (Cap. 387);

"environmental impact assessment licence" means an environmental impact assessment licence granted under the Environmental Management and Coordination Act (Cap. 387);

"excavation" means a trench, pit, shaft, dredging, brine pumping or other work which is related to operations under a mineral right;

"financial difficulty" in respect of a company or other body corporate, means that the company or body corporate—

- (a) is in liquidation;
- (b) is the subject of a subsisting court order for its winding up or dissolution; or
- (c) has made a composition or arrangement with its creditors which remains in effect;

"first-come, first-served" means the policy of considering and approving applications based on the order of receiving the applications;

"geologist" means a person who is registered as geologist in accordance with the Geologists' Registration Act (Cap. 535);

"geology" means the scientific and research aspects of the solid earth and its processes;

"geological report" means a report made by a geologist;

"gross value" means the arm's-length value of minerals or mineral products at the point of sale within Kenya, without any discounts, commissions or deductions;

"groundwater" has the meaning assigned to it under the Water Act (Cap. 372);

"holder", in respect of a mineral right, a licence or permit under this Act, means—

- (a) a person to whom a mineral right is granted; or
- (b) the person to whom a mineral right is transferred or assigned;

"inspector of mines" means a public officer who has been appointed in accordance with section 196;

"land" has the meaning assigned to it in Article 260 of the Constitution;

"large scale operation" means a prospecting or mining operation that is a large scale operation in accordance with this Act;

"licence area" means the area or areas of land covered by a prospecting licence, a retention licence or a mining licence under this Act;

"liquidator" has the meaning assigned to it under the Companies Act (Cap. 486);

"maritime zones" has the meaning assigned to it under the Maritime Zones Act (Cap. 371);

"member" means a member of the Board appointed under section 25;

"mine" —

- (a) when used as a noun, includes an excavation or system of excavations made for the purpose of, or in connection with, the extraction of minerals or mineral products, and includes an open-cast pit, quarry and any area where a mineral is won by dredging brine pumping, evaporation or other means; and
- (b) when used as a verb, means the carrying out of a mining operation and includes tailing;

"mines support" means —

- (a) contract mining services which include top soil and waste removal, drilling and blasting, excavating and haulage of ore to plant on turnkey basis;
- (b) assay laboratory services;
- (c) drilling and blasting services;
- (d) mineral exploration services for a holder of a mineral right;
- (e) contract mining services for small scale and artisanal mining, which include mining and processing of ore reclamation re-vegetation and management of mining operations;
- (f) any other services specifically and exclusively related to mining, which the Cabinet Secretary considers necessary for the effective and sustainable development of the mining industry;

"mineral dealer" means any entity or person licenced to carry out mineral dealings;

"mineral dealings" means —

- (a) buying minerals;
- (b) selling minerals;
- (c) bartering minerals;
- (d) depositing or receiving minerals as a pledge or security; or
- (e) cutting, polishing, processing, refining and treating minerals;

"mineral dealer's permit" means a permit issued in accordance with section 164;

"mineral deposit" means a mass of naturally occurring minerals of economic value;

"mine waste and tailings" means the residue of mining operations that includes gravel, sand, slime, or other substances that are discarded in the course of mining operations;

"mineral" means a geological substance whether in solid, liquid or gaseous form occurring naturally in or on the earth, in or under water, in mine waste or tailing and includes the minerals specified in the First Schedule but does not include petroleum, hydrocarbon gases or groundwater;

"mineral agreement" means mineral agreement entered into in accordance with section 117;

"mineral product" for the purposes of royalty a product of mining operations, the product of extraction in mining operations of a metal or a precious mineral from a mineral and the product of beneficiation in mining operations of a mineral, but excluding waste and tailings;

"mineral right" means —

- (a) a prospecting licence;
- (b) a retention licence;
- (c) a mining licence;
- (d) a prospecting permit;
- (e) a mining permit; or
- (f) an artisanal permit;

"Mineral Rights Board" means the Board established under section 30;

"mining area" means an area or areas of land that are covered by a mining licence;

"mining bond" means an obligatory payment or cash deposit that may be required of a mineral right holder as guarantee for the due implementation of an approved mining programme;

"mining permit" means a permit granted in accordance with this Act, which authorises the holder to carry out small scale mining operations;

"mining licence" means a licence relating to large scale operations which authorises the holder to carry out mining operations;

"mining operations" means an operation carried out in connection with a mine —

- (a) to win a mineral from where it occurs;
- (b) to extract metal or precious mineral from a mineral so won, or to beneficiate a mineral so won; or
- (c) to dispose of a mine waste or tailings resulting from winning, extraction or benefaction;

"National Land Commission" means the National Land Commission established under Article 67 of the Constitution;

"permit area" means the area covered by a prospecting permit or a mining permit;

"petroleum" has the meaning assigned to it under the Petroleum (Exploration and Production) Act (Cap. 308);

"precious minerals" means the minerals specified in Part B of the First Schedule;

"precious stones" means the minerals specified in Part C of the First Schedule;

"Principal Secretary" means the Principal Secretary in the State Department for the time being responsible for mining;

"programme for mining operations" in respect of a mining licence means—

- (a) a programme of an intended mining operation prepared by the holder of the licence and approved by the Director of Mines on the grant or renewal of the licence; or
- (b) where the programme is amended pursuant to this Act, means the programme as so amended;

"programme for prospecting operations" means a programme of intended prospecting operations prepared by the applicant for a prospecting licence and approved by the Cabinet Secretary on the grant or renewal of the licence, and where the programme is amended pursuant to this Act means the programme as so amended;

"prospecting area" means the area or areas of land covered by a prospecting permit or licence;

"prospecting licence" means licence relating to large scale operations which authorises the holder to carry out prospecting operations;

"prospecting operations" means operations carried out offshore and on land to search for and define the extent of a mineral deposit and to determine its economic value;

"prospecting permit" means a permit relating to small scale operations which authorises its holder to carry out prospecting operations;

"public officer" has the meaning assigned to it under Article 260 of the Constitution;

"Public Service Commission" means the Public Service Commission established under Article 233(1) of the Constitution;

"radioactive mineral" means a mineral that contains by weight at least one-twentieth of one per cent (0.05 %) of uranium or thorium or any combination thereof, including, but not limited to, monazite sand and other ores containing thorium, carnotite, and pitchblende;

"reconnaissance" means the operations and works to carry out the non-intrusive search for mineral resources by geophysical surveys, geochemical surveys, photo geological surveys or other remote sensing techniques and surface geology in connection therewith, but excludes drilling and excavations;

"reconnaissance area" means an area that is subject to a reconnaissance licence;

"reconnaissance licence" means a licence granted under section 61 of this Act;

"register" means the register of mineral rights established under this Act;

"retention area" means the area or areas of land covered by a retention licence;

"retention licence" means a retention licence granted under this Act;

"small scale operation" means a prospecting or mining operation as described by the Second Schedule to this Act;

"strategic minerals" means minerals declared to be strategic minerals under this Act;

"transfer" includes to assign or trade;

"unwrought precious metal" means precious metal in any form whatsoever, which is not manufactured or made up into an article of industry or of the arts, and includes amalgam, slimes, slags, precious metal concentrates, pots, battery chips, sweepings from reduction works and scrapings and by-products of unrefined precious metal and precious metal which has been smelted into the form of bullion but does not include ore in situ; and

"water resource" has the meaning assigned to it under the Water Act (Cap. 372).

Section 2 of Cap. 490B which it is intended to amend—

2. Interpretation

In this Act, unless the context otherwise requires —

"associate" means —

(a) in relation to a company or other body corporate —

- (i) its non-operating holding company or its subsidiary;
- (ii) a subsidiary of its non-operating holding company;
- (iii) a holding company of its subsidiary;
- (iv) any person who controls the company or body corporate whether alone or with his associates or with other associates of it;

(b) in relation to an individual —

- (i) any member of his family;
- (ii) any company or other body corporate controlled directly or indirectly by him whether alone or with his associates; and

a person shall be deemed to be a member of a family if he is the parent, spouse, brother, sister, child, uncle, aunt, nephew, niece, stepfather, stepmother, stepchild and adopted child of the person concerned, and in case of an adopted child his adopter or adopters;

"Board" means the Board of the Authority constituted under section 6;

"board of directors" has the meaning assigned thereto in the Co-operative Societies Act (Cap. 490);

"Board of Trustees" means the board of trustees established by section 56 of this Act;

"by-laws" has the meaning assigned thereto in the Co-operative Societies Act (Cap. 490);

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to Sacco societies;

"Central Bank" means the Central Bank of Kenya established by the Central Bank of Kenya Act (Cap. 491);

"chief executive officer" means the chief executive officer of the Authority;

"Commissioner" has the meaning assigned thereto in the Co-operative Societies Act (Cap. 490);

"control" in relation to the term "associate" includes—

- (i) ability to influence whether directly or indirectly, the composition of the board of directors of a deposit-taking Sacco society; or
- (ii) holding, directly or indirectly, whether personally or through a holding company or subsidiaries thereof, or in any other way, an aggregate of twenty five per centum or more of the voting power of a company or body corporate, whether alone or with associates or of the body corporate.

"core capital" means the fully paid up members' shares, capital issued, disclosed reserves, retained earnings, grants and donations all of which are not meant to be expended unless on liquidation of the Sacco society;

"co-operative society" has the meaning assigned to it in the Co-operative Societies Act (Cap. 490);

"deposit" means a sum of money received or paid on terms under which it shall be repaid, with or without interest a return or premium, and either on demand or at a time or in circumstances agreed by or on behalf of the person making the payment and the person receiving it;

"Deposit Guarantee Fund" means the Deposit Guarantee Fund established by section 55;

"deposit-taking business" means—

- (a) a Sacco business in which the person conducting the business holds himself out as accepting deposits on a day-to-day basis; and
- (b) any other activity of the Sacco business which is financed, wholly or to a material extent, by lending or extending credit for the account and at the risk of the person accepting the deposit, including the provision of short-term loans or funding or in compliance with the Islamic law;

"director" has the meaning assigned to it in the Co-operative Societies Act (Cap. 490);

"dormant account" means a savings or current account maintained by a Sacco society which is not operational, or has had no transaction by the depositor within the maximum period prescribed;

"General Fund" means the fund established by section 16;

"international financial reporting standards" means the international accounting standards set by the International Accounting Standards Board;

"land" includes freehold and leasehold land in Kenya and all buildings and permanent improvements and premises thereon;

"levy" means the levy imposed under section 15;

"licence" means a licence granted under section 25;

"member" has the meaning assigned to it in the Co-operative Societies Act (Cap. 490);

"non-deposit taking business" means Sacco business, other than deposit-taking business;

"officer" in relation to a Sacco society, means a director or any other person, by whatever name or title he may be called or described, who carries out or is empowered to carry out functions relating to the overall direction in Kenya of that deposit-taking Sacco society or takes part in the general management thereof in Kenya;

"place of business" means a Sacco society's head office, branch, or outlet, including a mobile unit, marketing office, automated teller machines or agency of a Sacco society and which is open to the public;

"Sacco business" means financial intermediation and any other activity by a Sacco society based on co-operative principles and in accordance with this Act, or in compliance with Islamic law, by way of—

- (a) receipt of withdraw-able deposits, domestic money transfer services, loans, finance, advances and credit facilities; or
- (b) receipt of non-withdrawable deposits from members and which deposits are not available for withdrawal for the duration of the membership of a member in a Sacco society and may be used as collateral against borrowings providing finance and domestic money transfer services;

"Sacco society" means a savings and credit co-operative society registered under the Co-operative Societies Act (Cap. 490);

"share capital" means members' equity in the form of issued and fully paid up shares of common stock;

"total capital" means the total sum of core capital and supplementary capital of a Sacco society;

"total deposit liabilities" means the total deposits in Kenya in any Sacco society which are repayable on demand or after a fixed period or after notice under agreed terms and conditions;

"Tribunal" has the meaning assigned to it in the Co-operative Societies Act (Cap. 490);

"trustees" means the trustees of the board of trustees of the Deposit Guarantee Fund constituted under section 57

Section 2 of Cap. 531 which it is intended to amend—

2. Interpretation

(1) In this Act, unless the context otherwise requires—

"accountancy" means practice in accounting, financial reporting, control systems, systems auditing, auditing, assurance, forensic accounting and auditing, finance, financial management, public finance management, taxation, financial risk management, management accounting and advisory services related thereto;

"accountant" is a person registered as an accountant under section 24 of this Act and is a member as defined in section 4(2)(a) and (b) with expertise achieved through formal education and practical experience, and shall be held to a high professional standard in respect to—

- (a) demonstrating and maintaining competence in accountancy in line with International Accounting standards;
- (b) compliance with the Institute's code of ethics;
- (c) maintaining good standing status; and
- (d) subject to enforcement of the rules and regulations of the Institute;

"annual licence" means an annual licence issued pursuant to section 22;

"Cabinet Secretary" means the Cabinet Secretary responsible for matters relating to finance;

"Chairperson" means the Chairperson of the Institute, and includes a person appointed under paragraph 2 of the First Schedule to act as Chairperson;

"Capital Markets Authority" means the Authority established under section 5 of the Capital Markets Act (Cap. 485A);

"Certified Public Secretary" means a member of the Institute of Certified Public Secretaries of Kenya;

"colleges of technology" means institutions involved in the training of accountants and secretaries;

"company" has the meaning assigned to it under section 2 of the Companies Act (Cap. 486);

"Council" means the Council of the Institute established under section 9;

"Disciplinary Committee" means the committee established under section 31;

"Examinations Board" means the Kenya Accountants and Secretaries National Examinations Board established under section 14;

"examination offence" means an offence as prescribed by section 42 of this Act;

"firm" means a sole proprietorship or partnership established by members in practice;

"Institute" means the Institute of Certified Public Accountants of Kenya established under section 3 of this Act;

"Institute of Certified Public Secretaries of Kenya" means the Institute of that name established under the Certified Public Secretaries of Kenya Act (Cap. 534);

"practising certificate" means a practising certificate issued pursuant to section 21 ;

"register" means the register kept pursuant to section 28;

"Registration Committee" means the Committee established under section 13; and

"trainee accountant" means a person registered by the Examinations Board and who has commenced professional accountancy education or training or is practicing accountancy as part of initial professional development required for qualification as an accountant.

Section 2 of Cap. 533 which it is intended to amend—

2. Interpretation

(1) In this Act, unless the context otherwise requires—

"Board" means the Estate Agents Registration Board established by section 3;

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

"practice as an estate agent" means the doing, in connection with the selling, mortgaging, charging, letting or management of immovable property or of any house, shop or other building forming part thereof, of any of the following acts—

- (a) bringing together, or taking steps to bring together, a prospective vendor, lessor or lender and a prospective purchaser, lessee or borrower; or
- (b) negotiating the terms of sale, mortgage, charge or letting as an intermediary between or on behalf of either of the principals;

"register" means the register kept under section 7;

"registrar" means the registrar of the Board appointed under section 6

Section 2 of Cap. 534 which it is intended to amend—

2. Interpretation

(1) In this Act, unless the context otherwise requires—

"certified public secretary" means a person registered as a certified public secretary under section 19;

"Chairperson of the Board" means the Chairperson of the Registration of Certified Public Secretaries Board appointed by the Cabinet Secretary under the Third Schedule;

"Chairperson of the Institute" means the Chairperson of the Institute and includes a person appointed under paragraph 2 of the First Schedule to act as Chairperson;

"company secretary" means a certified public secretary;

"Council" means the Council of the Institute established by section 8;

"Disciplinary Committee" means the committee established under section 25;

"Examination Board" means the Kenya Accountants and Secretaries National Examinations Board established by section 14 of the Accountants Act (Cap. 531);

"Institute" means the Institute of Certified Public Secretaries of Kenya established by section 3;

"practising certificate" means a practising certificate issued by the Registration Board pursuant to section 14;

"register" means the register kept pursuant to section 22;

"Registration Board" means the Registration of Certified Public Secretaries Board established by section 11.

Section 2 of No. 18 of 2013 which it is intended to amend—

2. Interpretation.

In this Act, unless the context otherwise requires—

"Authority" means the Public Benefit Organizations Regulatory Authority established under section 34;

"authorized agent" means a legal representative, who is a Kenyan citizen, authorized to receive official summonses, notices and inquiries on behalf of an international non-governmental organization;

"Board" means the Board of the Authority established under section 35;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to planning and national development;

"Federation" means the National Federation of Public Benefit Organizations established under section 21;

"international non-governmental organization" means a non-governmental organization with its original registration being in a country other than Kenya and operating in Kenya under a certificate of registration issued under section 10 of this Act;

"public benefit activity" means an activity that supports or promotes public benefit by enhancing or promoting the economic, environmental, social or cultural development or protecting the environment or lobbying or advocating on issues of general public interest or the interest or well-being of the general public or a category of individuals or organizations;

"register" means the register kept by the Authority pursuant to section 15; and

"Tribunal" means the Public Benefit Organizations Disputes Tribunal established under section 50.

Section 3 of No. 18 of 2013 which it is intended to amend—

1. Objects and purposes of the Act

The objects and purposes of this Act are to—

- (a) encourage and support public benefit organisations in their contribution to meeting the diverse needs of the people of Kenya by—

- (i) creating a conducive environment for the growth of the public benefit organizations sector and for the operations of the registered public benefit organizations;
- (ii) establishing an administrative and regulatory framework within which public benefit organisations can conduct their affairs;
- (iii) encouraging public benefit organisations to maintain high standards of governance, transparency and accountability and to improve those standards;
- (iv) creating an environment within which the public may have access to information concerning registered public benefit organisations; and
- (v) promoting a spirit of co-operation and shared responsibility within government and among donors and other interested persons in their dealings with public benefit organisations;
- (b) give meaningful protection to the internationally recognized freedoms of expression, association, and peaceful assembly;
- (c) promote the development of self-regulation among public benefit organizations;
- (d) promote compliance by public benefit organisations with their legal obligations to exercise effective control and management over the administration of their activities and funding;
- (e) facilitate a constructive and principled collaboration between public benefit organisations, the Government, business, donors and other actors in order to advance public interest;
- (f) provide registration procedures, which are transparent, and which will facilitate establishment of public benefit organizations while safeguarding freedom of association;
- (g) facilitate mechanisms for government collaboration with public benefit organizations, including funding of public benefit organizations activities and involvement of public benefit organizations in the implementation of government projects;
- (h) facilitate the establishment and growth of public benefit organizations in order to generally strengthen civil society, promote social welfare and improve the conditions and quality of life for the people of Kenya.

