



LAWS OF KENYA

**NON-GOVERNMENTAL ORGANIZATIONS
CO-ORDINATION ACT**

No. 19 of 1990

Revised Edition 2012 [1990]

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org

NO. 19 OF 1990

NON-GOVERNMENTAL ORGANIZATIONS CO-ORDINATION ACT

ARRANGEMENT OF SECTIONS

PART I – PRELIMINARY

Section

1. Short title.
2. Interpretation.

PART II – ESTABLISHMENT, FUNCTIONS AND POWERS OF THE BOARD

3. Establishment of the Board.
4. Composition of the Board.
5. Executive director.
6. Procedure at meetings of the Board.
7. Functions of the Board.
8. Powers of the Board.
9. Documentation centre.

PART III – REGISTRATION OF NON-GOVERNMENTAL ORGANIZATIONS

10. Registration of Non-Governmental Organizations.
11. Fees.
12. Certificate of registration.
13. *Deleted by Act No. 14 of 1994, Sch.*
14. Refusal of registration.
15. *Deleted by Act No. 14 of 1994, Sch.*
16. Cancellation, etc. of certificate.
17. Entry permits.
18. Board may require proof of existence.
19. Appeals.
20. Exempt organizations.
21. Privileges.
22. Offences and penalties.

PART IV – SELF-REGULATION BY THE NON-GOVERNMENTAL ORGANIZATIONS

23. Establishment of the Council.
24. Code of conduct.

PART V – TRANSITIONAL ARRANGEMENTS

25. Transitional period.
26. Membership of interim council.

PART VI – FINANCIAL PROVISIONS

27. Financial year of the Board.
28. Investments.

Section

- 29. Annual estimates.
- 30. Books of accounts.
- 31. Audit of accounts.

PART VII – MISCELLANEOUS PROVISIONS

- 32. Regulations.
 - 33. Uttering false statements.
 - 34. Appeals.
 - 35. Custody of common seal.
-

NO. 19 OF 1990

NON-GOVERNMENTAL ORGANIZATIONS CO-ORDINATION ACT

[Date of assent: 14th January 1991.]

[Date of commencement: 15th June, 1992.]

An Act of Parliament to make provision for the registration and co-ordination of Non-Governmental Organizations in Kenya and for connected purposes

[Act No. 14 of 1991, Act No. 11 of 1992, L.N. 151/1992, Act No. 7 of 2007.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Non-Governmental Organizations Co-ordination Act, 1990.

2. Interpretation

In this Act, unless the context otherwise requires—

“**Board**” means the Non-Governmental Organizations Co-ordination Board established by section 3(1);

“**Bureau**” means the executive directorate of the Board;

“**certificate**” means certificate of registration issued under Part III;

“**Council**” means the National Council of Non-Governmental Organizations established under section 23;

“**International Non-Governmental Organization**” means a Non-Governmental Organization with the original incorporation in one or more countries other than Kenya, but operating within Kenya under a certificate of registration;

“**National Non-Governmental Organization**” means a Non-Governmental Organization which is registered exclusively in Kenya with authority to operate within or Kenya;

“**Non-Governmental Organization**” means a private voluntary grouping of individuals or associations, not operated for profit or for other commercial purposes but which have organized themselves nationally or internationally for the benefit of the public at large and for the promotion of social welfare, development charity or research in the areas inclusive of, but not restricted to, health, relief, agriculture, education, industry and the supply of amenities and services;

“**register**” means the register of non-governmental organizations maintained by the Board.

[Act No. 14 of 1991, Sch., Act No. 11 of 1992, Sch.]

PART II – ESTABLISHMENT, FUNCTIONS AND POWERS OF THE BOARD

3. Establishment of the Board

(1) There is hereby established a Board to be known as the Non-Governmental Organizations Co-ordination Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall be capable in its corporate name of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) receiving, borrowing and lending money;
- (d) entering into contracts; and
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done or performed by a body corporate.

4. Composition of the Board

(1) The Board shall consist of—

- (a) a chairman appointed by the President;
- (b) three members appointed by the Minister by virtue of their knowledge or experience in development and welfare management;
- (c) the Permanent Secretary in the Ministry for the time being responsible for matters relating to Non-Governmental Organizations;
- (d) the Permanent Secretary in the Ministry for the time being responsible for foreign affairs;
- (e) the Permanent Secretary to the Treasury;
- (f) the Permanent Secretary in the Ministry for the time being responsible for economic planning;
- (g) the Permanent Secretary in the Ministry for the time being responsible for social services;
- (h) the Attorney-General;
- (i) seven members appointed by the Minister on the recommendation of the Council to represent the diverse areas of Non-Governmental Organisations' interests within the Board;
- (j) the executive director appointed under section 5(1);
- (k) the chairman of the Council.

(2) The members of the Board, other than *ex officio* members, shall hold office for a period of three years and shall then retire, but shall be eligible for re-appointment.

(3) A member of the Board, other than an *ex officio* member, may resign his appointment by a letter addressed to the Minister.

(4) The Board may co-opt such number of persons not exceeding three in number to represent such interests as may be determined by the Board.

[Act No. 14 of 1991, Sch., Act No. 11 of 1992, Sch, Act No. 7 of 2007, Sch.]

5. Executive director

(1) The Minister shall appoint an executive director who shall be the head of the Bureau and responsible for the day to day management of the business of the Board.

(2) The executive director shall be an *ex officio* member of the Board but shall have no right to vote at any meeting.

(3) The executive director shall be the secretary to the Board.

[Act No. 14 of 1991, Sch.]

6. Procedure at meetings of the Board

(1) The chairman shall preside at all meetings of the Board, except that in his absence, the provisions of subsection (2) shall apply.

(2) In the event of the chairman being absent from any meeting of the Board, the members present shall elect one of the members present at the meeting to preside.

(3) The Board shall meet at least four times in each year but the chairman may, and upon application by six members shall, convene a special meeting of the Board.

(4) The quorum necessary for the business of the Board shall be six.

(5) All questions at a meeting of the Board shall be determined by a simple majority of the votes of the members present and voting.

(6) The chairman shall have, in case of equality of votes, a casting vote in addition to his deliberative vote.

(7) The Board shall cause the minutes of all proceedings of meetings of the Board to be entered in books kept for that purpose.

(8) Subject to this Act. the Board shall regulate its own proceedings.

[Act No. 7 of 2007, Sch.]

7. Functions of the Board

The functions of the Board shall be—

- (a) to facilitate and co-ordinate the work of all national and international Non-Governmental Organizations operating in Kenya;
- (b) to maintain the register of national and international Non-Governmental Organizations operating in Kenya, with the precise sectors, affiliations and locations of their activities;
- (c) to receive and discuss the annual reports of the Non-Governmental Organizations;
- (d) to advise the Government on the activities of the Non-Governmental Organizations and their role in development within Kenya;

- (e) to conduct a regular review of the register to determine the consistency with the reports submitted by the Non-Governmental Organizations and the Council;
- (f) to provide policy guidelines to the Non-Governmental Organisations for harmonizing their activities to the national development plan for Kenya;
- (g) to receive, discuss and approve the regular reports of the Council and to advise on strategies for efficient planning and co-ordination of the activities of the Non-Governmental Organizations in Kenya; and
- (h) to develop and publish a code of conduct for the regulation of the Non-Governmental Organizations and their activities in Kenya.

[Act No. 7 of 2007, Sch.]

8. Powers of the Board

The Board shall have power—

- (a) to establish such subsidiary organs as may be necessary for the performance of its functions under this Act; and
- (b) subject to this Act, to appoint such officers as may be necessary for the performance of its functions.

9. Documentation centre

The Board shall establish and maintain a documentation centre on Non-Governmental Organizations and their activities in Kenya and such other information as may be necessary for the understanding and promotion of the contribution of Non-Governmental Organizations to national development.

PART III – REGISTRATION OF NON-GOVERNMENTAL ORGANIZATIONS

10. Registration of Non-Governmental Organizations

(1) Every Non-Governmental Organization shall be registered in the manner specified under this Part.

(2) Applications for registration shall be submitted to the executive director of the Bureau in the prescribed form.

(3) An application for registration shall be made by the chief officer of the proposed organization and specify—

- (a) other officers of the organization;
- (b) the head office and postal address of the organization;
- (c) the sectors of the proposed operations;
- (d) the districts, divisions and locations of the proposed activities;
- (e) the proposed average annual budgets;
- (f) the duration of the activities;
- (g) all sources of funding;

- (h) the national and international affiliation and the certificates of incorporation;
- (i) such other information as the Board may prescribe.

(4) The Minister may, on the recommendation of the Board and by notice in the *Gazette*, exempt such Non-Governmental Organization from registration as he may determine.

(5) Application for registration under this section shall be accompanied by a certified copy of the constitution of the proposed Non-Governmental Organization.

[Act No. 14 of 1991, Sch.]

11. Fees

An application for registration of Non-Governmental Organization shall be accompanied by such fees as the Minister may from time to time prescribe.

12. Certificate of registration

(1) Every Non-Governmental Organization registered under this Act shall be issued with a certificate of registration in accordance with this Part.

(2) A certificate of registration shall be conclusive evidence of authority to operate throughout Kenya or such parts of the country as are specified therein.

(3) A registered Non-Governmental Organization shall by virtue of such registration be a body corporate with perpetual succession capable in its name of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) entering into contracts; and
- (d) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done or performed by a body corporate.

(4) A certificate issued under this Part may contain such terms and conditions as the Board may prescribe.

[Act No. 14 of 1991, Sch.]

13. Deleted by Act No. 14 of 1991, Sch.

14. Refusal of registration

The Board may refuse registration of an applicant if—

- (a) it is satisfied that its proposed activities or procedures are not in the national interest; or
- (b) it is satisfied that the applicant has given false information on the requirements of subsection (3) of section 10; or
- (c) it is satisfied, on the recommendation of the Council, that the applicant should not be registered.

[Act No. 14 of 1991, Sch.]

15. Deleted by Act No. 14 of 1991, Sch.

16. Cancellation of certificate

(1) The Board may cancel a certificate issued under this Part, if it is satisfied that—

- (a) the terms or conditions attached to the certificate have been violated; or
- (b) the organisation has breached this Act; or
- (c) the Council has submitted a satisfactory recommendation for the cancellation of the certificate.

(2) Notice of the cancellation of a certificate shall be served on the Organisation in respect of whom such cancellation relates and shall take effect within fourteen days after the date of that notice.

[Act No. 14 of 1991, Sch.]

17. Entry permits

The Board shall receive and consider application for entry permits in respect of prospective employees of a registered Non-Governmental Organization and make recommendations to the Principal Immigration Officer for the issuance of the permit to the applicant.

[Act No. 14 of 1991, Sch.]

18. Board may require proof of existence

(1) If the Board has reasons to believe that a registered organization has, for any reason, ceased to exist, it may publish in the *Gazette* a notice calling upon such organization to furnish it, within a period of thirty days from the date of the notice, with the proof of its continued existence.

(2) The proof given under subsection (1) shall be accompanied by an authenticated recommendation by the Council.

(3) The Board may strike off the register any organization which fails to provide proof of its existence within thirty days from the date of the notice or if the Council report does not confirm the existence of such an organization.

19. Appeals

(1) Any organization which is aggrieved by decision of the Board made under this Part may, within sixty days from the date of the decision, appeal to the Minister.

(2) On request from the Minister, the Council shall provide written comments on any matter over which an appeal has been submitted to the Minister under this section.

(3) The Minister shall issue a decision on the appeal within thirty days from the date of such an appeal.

(3A) Any organization aggrieved by the decision of the Minister may, within, twenty-eight days of receiving the written decision of the Minister, appeal to the High Court against that decision and in the case of such appeal—

- (a) the High Court may give such direction and orders as it deems fit; and

(b) the decision of the High Court shall be final.

(4) If the Council is satisfied that the organization has ceased to exist, its recommendation to the Board shall include suggestions of how the assets and liabilities of the organization should be distributed and the reasons thereon.

[Act No. 11 of 1992, Sch.]

20. Exempt organizations

An organization established by a State or group of states for welfare, research, relief, public health or other forms of development assistance shall not be eligible for registration under this Act.

21. Privileges

Any organization registered under this Act shall not be entitled to diplomatic or consular privileges or immunities.

22. Offences and penalties

(1) It shall be an offence for any person to operate a Non-Governmental Organization in Kenya for welfare, research, health relief, agriculture, education, industry, the supply of amenities or any other similar purposes without registration and certificate under this Act.

(2) A person convicted of an offence under this Part shall be liable to a fine not exceeding fifty thousand shillings or to an imprisonment for a term not exceeding eighteen months or to both.

(3) Upon sentence, the court may order that whole or part of the fine be remitted to the accounts of the Board to defray the cost of its operations.

(4) Any person who has been convicted of an offence under this Part shall be disqualified from holding office in any Non-Governmental Organization for a period of ten years.

PART IV – SELF-REGULATION BY THE NON-GOVERNMENTAL ORGANIZATIONS

23. Establishment of the Council

(1) There shall be established a Council to be known as the Non-Governmental Organizations Council which shall, as a collective forum of all Non-Governmental Organizations registered under this Act.

(2) The Council shall adopt its own structure, rules and procedures for the efficient administration of its activities:

Provided that the first meeting to adopt the structure and procedures of the Council shall be supervised by an official designated by the Minister.

[Act No. 14 of 1991, Sch., Act No. 7 of 2007, Sch.]

24. Code of conduct

(1) The Council shall advise the Board with respect to the code of conduct and such other statutes as may facilitate the regulation of Non-Governmental

Organizations on matters of their activities, national security, training, the development of national manpower, institutional building, scientific and technological development and such other matters of national interest.

(2) Deleted by Act No. 7 of 2007, Sch.

(3) Deleted by Act No. 7 of 2007, Sch.

(4) The Board shall prescribe rules and procedures for the audit of the accounts of Non-Governmental Organizations.

(5) The code of conduct shall prescribe the responsibilities of the Council which, once approved by the Board, shall be construed as obligations under this Act.

(6) The Board shall ensure that the code of conduct is consistent with the national and foreign policies and all written laws of Kenya.

(7) The Board shall cause the code of conduct approved under subsection (3) to be published in the *Gazette* but sections 27, 33(e) and 34 of the Interpretation and General Provisions Act (Cap. 2) shall not apply.

[Act No. 7 of 2007, Sch.]

PART V – TRANSITIONAL ARRANGEMENTS

25. Transitional period

(1) There shall be a transitional registration period not exceeding six months from the date of commencement of this Act; provided the Minister may extend the period upon application by a Non-Governmental Organization.

(2) All Non-Governmental Organizations that are presently registered under any other written law in Kenya shall, within the period specified in subsection (1), apply and obtain a certificate under this Act.

26. Membership of interim council

The first one hundred Non-Governmental Organizations to be registered by the Board under this Act shall constitute an interim council competent to develop and adopt the code of conduct under Part IV.

[Act No. 14 of 1991, Sch.]

PART VI – FINANCIAL PROVISIONS

27. Financial year of the Board

(1) The financial year of the Board shall be the period of twelve months commencing on the 1st of July and ending on the 30th of June in each year.

(2) In the event of any change in the financial year, and for the purposes of the transition from the old financial year to the new financial year consequent upon that change, the transitional period, whether more or less than twelve months, shall be deemed for all the purposes of this Act to be a financial year.

28. Investment

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

(2) The Board may place on deposit with such bank or banks as it may determine, any money not immediately required for allocation or application.

29. Annual estimates

(1) Before the commencement of a financial year the Board shall cause to be prepared estimates of the revenue and expenditure for that year.

(2) The annual estimates shall make provision for all estimated expenditure of the Board for the financial year concerned, and in particular—

- (a) for the approved recurrent and development expenditure;
- (b) for the payment of salaries, allowances and other charges in respect of the staff of the Board;
- (c) for the payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Board;
- (d) for the proper development and maintenance of the properties of the Board;
- (e) for the proper maintenance, repair and replacement of the equipment and other movable property of the Board;
- (f) for the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits or insurance or in respect of such other matters as the Board may deem fit.

(3) Annual estimates shall be approved by the Board, before the commencement of the financial year to which they relate and shall be submitted to the Minister for approval.

(4) No expenditure shall be incurred for the purposes of the Board except in accordance with the annual estimates approved under subsection (3).

30. Books of accounts

(1) The Board shall cause to be kept all proper books and records of account of its income, expenditure, assets and liabilities.

(2) Within three months from the end of each financial year, the executive director of the Board shall submit to the Auditor-General (Corporations) the accounts of the Board together with—

- (a) a statement of financial activities, income, and expenditure during the financial year; and
- (b) a statement of assets and liabilities of the Board existing at the end of the year.

31. Audit

(1) The accounts of the Board shall be audited by the Auditor-General (Corporations).

(2) The Auditor-General (Corporations) shall present to the Board, within a period of six months after the end of each financial year, a report of the examinations and audit of accounts and the report shall also be forwarded to the Minister.

(3) The Minister shall lay the Board's report and the report of the Auditor-General (Corporations) before the National Assembly within thirty days after the receipt of the report by him, or if the National Assembly is not sitting, within fourteen days after the commencement of the next sitting.

PART VII – MISCELLANEOUS PROVISIONS

32. Regulations

The Minister may make regulations for the efficient carrying into effect of the provisions of this Act and, without restricting the generality of the foregoing, make regulations—

- (a) prescribing terms and conditions for the importation and use of any equipment required by the Non-Governmental Organizations for their activities in Kenya;
- (b) prescribing guidelines for advanced training and employment of Kenya nationals in the field of the activities of the Non-Governmental Organizations while such Kenya nationals are in their employment;
- (c) prescribing fees and other dues payable by the Non-Governmental Organizations as part of application for registration or renewal of registration;
- (d) *Deleted by Act No. 14 of 1991, Sch;*
- (e) prescribing the information to be supplied in every application for registration;
- (f) prescribing the format of the reports of activities to be submitted by the Non-Government Organizations;
- (g) prescribing procedures for application for exemption from payment of taxes.

[Act No. 14 of 1991, Sch.]

33. Uttering false statements

(1) Any person who makes, signs or utters a false statement or declaration in support or request for the exemptions under section 32 shall be guilty of an offence and shall be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.

(2) Any person convicted of an offence under this section shall be disqualified from holding office in any Non-Governmental Organization for a period of ten years.

(3) On the first conviction of an official of a Non-Governmental Organization under this section, the Board may deregister that Organization.

(4) On the second conviction of an official under this section, the Board shall deregister that Non-Governmental Organization.

(5) Where a non-Kenyan national is convicted under subsection (2) or is found to have aided or abetted others in the offence, the Minister may recommend his expulsion from Kenya to the Minister in charge of Immigration.

34. Appeals

(1) The Non-Governmental Organization deregistered under section 33(3) or (4) of this Act may appeal to the Minister against such deregistration.

(2) The Minister shall deliver his decision on the appeal under subsection (1) within twenty-eight days.

(3) Any organization aggrieved by the decision of the Minister may, within twenty-eight days of receiving the written decision of the Minister, appeal to the High Court against that decision and in the case of such appeal—

- (a) the High Court may give such direction and orders as it deems fit;
- (b) the decision of the High Court shall be final.

[Act No. 14 of 1991, Sch.]

35. Custody of common seal

(1) The common seal of the Board shall be kept in such custody as the Board directs and shall not be used except upon the order of the Board.

(2) The common seal of the Board shall be authenticated by the signature of the executive director and one other member of the Board duly authorized by the Board in that behalf.

(3) The common seal of the Board when affixed to any document and duly authenticated under this section shall be judicially and officially noticed and, unless and until the contrary is proved, any order or authorization of the Board under this section shall be presumed to have been duly given.

NO. 19 OF 1990

NON-GOVERNMENTAL ORGANIZATIONS CO-ORDINATION ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

	<i>Page</i>
1. Non-Governmental Organizations Co-Ordination Regulations, 1992	19
2. Non-Governmental Organizations Council Code of Conduct, 1995	51

**NON-GOVERNMENTAL ORGANIZATIONS CO-ORDINATION
REGULATIONS, 1992**

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation.
2. Interpretation.

PART II – THE BOARD

3. The Bureau.
4. The register of organizations.
5. Special meetings.
6. Delegation by the Board.
7. Protection from personal liability.

PART III – REGISTRATION AND EXEMPTION FROM REGISTRATION

8. Approval of names.
9. Application for registration.
10. Registration of Organizations.
11. Certificate of registration.
- 11A. Replacement of lost or destroyed certificates.
12. Refusal of registration.
13. Review of conditions.
14. Application for exemption.
15. Certificate of exemption.
16. Translation of constitutions.
17. Cancellation of registration.
18. Rescission of exemption.
19. Proof of continued existence.

PART IV – CONDUCT AND ADMINISTRATION OF ORGANIZATIONS

20. Office and postal address.
21. Change of names, constitution, etc.
22. Change of officers or title of officers.
23. Amendment of register.
24. Annual reports.
25. Transitional provisions.

PART V – MISCELLANEOUS PROVISIONS

26. The interim council.
27. Appeals.
28. Entry permits.
29. Exemption from duty.
30. Application for exemption from tax.

[Subsidiary]

Regulation

- 31. Inspection of documents by the public.
- 32. Offences and penalties.
- 33. Fees.

SCHEDULES

- FIRST SCHEDULE – FORMS
 - SECOND SCHEDULE – MATTERS TO BE PROVIDED IN THE
CONSTITUTION OF EVERY NON-GOVERNMENTAL
ORGANIZATION
 - THIRD SCHEDULE – FEES
-

**NON-GOVERNMENTAL ORGANIZATIONS CO-ORDINATION
REGULATIONS, 1992**

[L.N. 152/1992, L.N. 205/1992, Corr. No. 55/1992, L.N. 84/2004, L.N. 61/2010]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Non-Governmental Organizations Co-ordination Regulations, 1992.

2. Interpretation

In these Regulations unless the context otherwise requires—

“**Director**” means the executive director appointed under section 5(1) of the Act;

“**Organization**” means a Non-Governmental Organization as defined in section 2 of the Act.

PART II – THE BOARD**3. The Bureau**

The Board shall, in consultation with the Minister, set up the bureau and shall appoint such officers as may be necessary for the effective administration of its functions.

4. The register of organization

(1) The Board shall, in accordance with section 7(b) of the Act, maintain a register of the national and international Organizations operating in Kenya and the register shall be in Form 1 set out in the First Schedule

(2) The Board shall cause the register to be published periodically.

5. Special meetings

(1) An application for a special meeting of the Board under section 6(3) of the Act shall be in writing addressed to the chairman of the Board and signed by six members.

(2) The chairman shall, on receipt of an application under paragraph (1), convene a special meeting of the Board within fourteen days from the date of delivery of the application.

6. Delegation by the Board

The Board may, by resolution either generally or in any particular case delegate to any committee of the Board or to any member, officer, or employee or agent of the Board the exercise of any of the powers or the performance of any of the functions or duties which the Board is authorized to do by the Act and these Regulations.

7. Protection from personal liability

No matter or thing done by the Board or any officer or employee of the Board shall if the matter or thing is done *bona fide* for executing the functions, powers and duties of the Board make the member, officer or employee or any person acting by his directions personally liable to any claim or demand whatsoever.

[Corr. No. 55/1992.]

[Subsidiary]

PART III – REGISTRATION AND EXEMPTION FROM REGISTRATION

8. Approval of names

(1) An applicant for the registration of any proposed organization shall prior to such application seek from the Director approval of the name in which the organization is to be registered.

(2) The application for approval under Paragraph (1) shall be in Form 2 set out in the Schedule and accompanied by the fee specified in regulation 33.

(3) The Director shall, on receipt of an application and payment of the fee specified in regulation 33, cause a search to be made in the index of the registered Organizations kept at the documentation centre and shall notify the applicant either that—

- (a) such name is approved as desirable; or
- (b) such name is not approved on the grounds that—
 - (i) it is identical to or substantially similar to or is so formulated as to bring confusion with the name of a registered body or Organization existing under any law; or
 - (ii) such name is in the opinion of the Director repugnant to or inconsistent with any law or is otherwise undesirable.

(4) A name which has been approved under paragraph (3)(a) shall be entered in the register of reserved names on behalf of the applicant for a period of thirty days or such longer period, not exceeding sixty days, as the Director may allow and such period shall commence from the date of notification of such approval to the applicant.

[Corr. No. 55/1992.]

9. Application for registration

(1) Every application for registration under section 10(2) of the Act shall be—

- (a) in Form 3 set out in the First Schedule;
- (b) typewritten;
- (c) signed by the chief officer of the proposed Organization
- (d) sent to the Director together with the fee specified in regulation 33;
- (e) accompanied by—
 - (i) a copy of the minutes of the meeting of the proposed Organization authorizing the filing of the application;
 - (ii) a copy of the constitution of the proposed Organization duly certified by the chief officer and the secretary of the proposed Organization, specifying the matters set out in the Second Schedule;
 - (iii) a notification of the situation of the registered office and postal address of the proposed Organization in Form 4 set out in the First Schedule signed by the chief officer of the proposed Organization.

(2) Any proposed Organization legally domiciled in Kenya with branches in countries other than Kenya shall, in addition to the copy of its constitution referred to in paragraph (1) (e), submit copies of the constitutions, deeds or statutes of such branches.

(3) The Director may upon receipt of an application under this regulation request such further or better information on the proposed Organization as he may require.

[Corr. No. 55/1992.]

10. Registration of Organizations

(1) Where the application for registration under regulation 9 is granted by the Board, the Director shall register the proposed Organization by entering in the register of Organization kept for that purpose the particulars specified in paragraph (2) and the date of entry.

(2) The particulars to be included in the register shall be the name of the Organization, postal address, physical address, classification by sector and the date of registration in Kenya.

11. Certificate of registration

The Board shall issue a certificate of registration in Form 5 set out in the First Schedule.

11A. Replacement of lost or destroyed certificates

The Board may issue a certificate of registration to replace a lost or destroyed certificate, upon application by the registered Organization and payment of the prescribed fee.

[L.N. 84/2004, r. 2.]

12. Refusal of registration

Where the Board refuses registration of a proposed Organization under section 14 of the Act, it shall, within fourteen days from the date of such decision notify the applicant of the refusal in Form 6 set out in the First Schedule.

13. Review of conditions

(1) The Board may, on its own motion or on application by any registered Organization, review any conditions attached to a certificate under section 12(4) of the Act.

(2) An application for review of any conditions under paragraph (1) shall be in writing, addressed to the board and signed by the chief officer of the Organization.

[Corr. No. 55/1992, L.N. 205/1992, r. 2(a).]

14. Application for exemption

Every application for exemption from registration under section 10(4) of the Act shall be—

- (a) in Form 7 set out in the First Schedule;
- (b) typewritten;
- (c) signed by the chief officer of the Organization;
- (d) sent to the Director together with the fee specified in regulation 33;
- (e) accompanied by—
 - (i) a copy of the minutes of the Organization authorizing the filing of the application;
 - (ii) a copy of the constitution of the Organization duly certified by the chief officer and the secretary of the Organization specifying the matters set out in the Second Schedule;
 - (iii) a notification of the location of the registered office and postal address in Form 4 set out in the First Schedule, signed by the chief officer of the Organization; and

[Subsidiary]

- (iv) a recommendation by the Board in Form 7 act out in the First Schedule. -

(2) The Director may, upon receipt of an application under this regulation, request the applicant to supply such further or better information on the Organization as he may require.

[Corr. No. 55/1992.]

15. Certificate of exemption

(1) Where the application for exemption under regulation 14 is granted by the Minister, the Board shall, with the approval of the Minister, issue a certificate of exemption in Form 8 set out in the First Schedule.

(2) The Board shall keep a record of all Organizations exempted from registration under the Act.

(3) Any Organization whose application for exemption is not granted by the Minister may apply for registration under the Act in accordance with regulation 9.

16. Translation of constitutions

Where the constitution of any existing or proposed Organization is made in a language other than English there shall be attached to the application for registration or exemption from registration of the constitution into the English language in addition to the copy of the constitution in the language in which it is made.

[L.N. 205/1992, r. 2(b).]

17. Cancellation of registration

(1) Where under section 16(1) of the Act the Board is of the opinion that the registration of any Organization should be cancelled, it shall send to the Organization a notification of intended cancellation in Form 9 set out in the First Schedule taking every reasonable precaution to ensure fairness in the exercise of its discretion.

(1A) Paragraph (1) does not apply with respect to a cancellation by the Board under section 16 of the Act for a failure by the registered Organization to comply with regulation 24.

(2) Where the Board cancels the registration of an Organization, it shall send to the Organization a notification of cancellation in Form 10 set out in the Schedule.

(3) The Board shall at the same time cancel the registration of any branches of the Organization.

(4) The Board shall, unless an appeal is pending, notify the cancellation in the *Gazette* within twenty-one days thereof.

(5) Where an Organization whose registration is cancelled under this regulation appeals under section 19 of the Act, the Organization may continue with its operations until the determination of the appeal.

(6) An Organization whose registration is cancelled shall tender its assets or operations to other Organizations with similar objectives within sixty days from the date of notification of such cancellation, provided that where there is an appeal the period of sixty days shall run from the date of determination of such appeal.

(7) The Board may reinstate the registration of an Organization whose registration has been cancelled for a failure to comply with regulation 24, upon application by the Organization and payment of the prescribed fee.

[Corr. No. 55/1992, L.N. 84/2004, r. 3(a), (b).]

18. Rescission of exemption

(1) The Board may, with the approval of the Minister rescind the exemption of any Organization from registration.

(2) Where under paragraph (1) the exemption of an Organization is rescinded, the Board shall send a notification in Form 11 set out in the First Schedule.

(3) An Organization whose exemption from registration is rescinded under this regulation may apply for registration in accordance with these Regulations within ninety days from the date of notification of such rescission.

[Corr. No. 55/1992.]

19. Proof of continued existence

The notice to be published by the Board calling a registered Organization to supply proof of its continued existence under section 18(1) of the Act shall be in Form 12 set out in the First Schedule.

PART IV – CONDUCT AND ADMINISTRATION OF ORGANIZATIONS**20. Office and postal address**

(1) Every registered Organization and every exempted Organization shall have an office and a postal address and notice of the situation of the office and the postal address shall be given to the Director on application for registration or exemption in accordance with these Regulations.

(2) All communications and notices required to be sent under the Act and these Regulations may be sent by post addressed to the postal address, of the Organization.

(3) Where any Organization registered or exempted from registration changes the situation of its registered office or postal address, it shall give notice of such change to the Board in Form 4 set out in the First Schedule.

(4) No registered Organization or exempted Organization may—

- (a) operate without having an office or without a postal address or without having given notice of the situation of its office or of its postal address as required by paragraph (1); or
- (b) operate at any place to which its office may have been moved without having given notice of the change in the situation thereof to the Board as required by paragraph (3); or
- (c) fail to give notice of any change of its postal address as required by paragraph (3).

(5) Any registered Organization or exempted Organization which contravenes any of the provisions of paragraph (4) shall be guilty of an offence.

21. Change of names, constitution, etc.

(1) No registered Organization shall—

- (a) amend its name or its constitution; or
- (b) become a branch of or affiliated to or connected with any Organization or group of a political nature established outside Kenya; or
- (c) dissolve itself,

except with the prior consent in writing of Board obtained upon written application addressed to the Director and signed by three of the officers of the Organization.

[Subsidiary]

(2) An application under paragraph (1) Shall be accompanied by a certified copy of the minutes of the meeting at which the resolution to take the proposed action was passed and shall be delivered to the Director within fourteen days after the day on which the resolution was passed.

(3) Every exempted Organization which—

- (a) amends its name or objects; or
- (b) becomes a branch or affiliated to or connected with any Organization or group of a political nature established outside Kenya; or
- (c) dissolve itself, shall, within fourteen days from the date of effecting such amendment or other matter as aforesaid, give to the Board notice thereof in writing signed by three of the officers of the Organization.

(4) Any registered or any exempted Organization which contravenes any of the provisions of this regulation shall be guilty of an offence.

[L.N. 205/1992, r 2(c).]

22. Change of officers or title of officers

(1) Where there is any change of officers or of the title of any office of a registered Organization, notice in Form 13 set out in the First Schedule shall be given to the Board within fourteen days of the change and the notice shall be signed by three of the officers of the Organization.

(2) Any registered Organization which fails to give notice as required by paragraph (1) of any change of officers or of the title of any office of the Organization shall be guilty of an offence.

23. Amendment of register

(1) Where the Board has consented to an application under regulation 21(1) by a registered Organization or where the Board has received a notification of change of registered office or postal address of any registered Organization, it shall amend the register accordingly.

(2) Where the name of a registered or exempted Organization has changed, the Board shall issue a fresh certificate of registration or exemption, as the case may be, upon the original being surrendered and upon payment of the prescribed fee.

(3) The Board shall also make such other amendments to the particulars concerning a registered Organization as may be necessitated by any information supplied to it.

[Corr. No. 55/1992.]

24. Annual reports

(1) Every registered Organization shall furnish to the Board on or before the 31st May in every year, annual reports in Form 14 set out in the First Schedule.

(2) Any registered Non-Governmental Organization which fails to submit its annual returns within the prescribed period shall be liable to a fine of Kenya Shillings Twenty Five Thousand.

(3) It is a condition of a certificate of registration that the registered Organization comply with this regulation.

[L.N. 84/2004, L.N. 61/2010.]

25. Transitional provisions

(1) For the avoidance of doubt, it is hereby provided that all Organizations presently registered under any written law in Kenya or operating on the basis of agreements within the Government, as the case may be, shall within the period specified in section 25 of the Act—

- (a) formulate and adopt constitutions specifying the matters set out in the Second Schedule; and
- (b) apply for and obtain registration under the Act in accordance with these Regulations.

(2) Upon registration under the Act, the Organization referred to shall cease to operate under any other written law in Kenya or on the basis of any agreements with the Government as the case may be.

PART V – MISCELLANEOUS PROVISIONS**26. The interim Council**

(1) The interim Council constituted in accordance with section 26 of the Act shall within ninety days of its formation, prepare and submit to the Board an instrument specifying its structure, rules and procedures:

Provided that where no instrument is submitted within the period specified in this regulation, the Minister shall, in consultation with the Board, formulate and introduce an interim structure, rules and procedures for the effective administration activities of the Council.

(2) The interim Council shall within six months of its formation, formulate and submit to the Board a draft of the code of conduct for approval:

Provided that where no draft is submitted within the period specified in this regulation, the Board shall refer the matter to the Minister who may take measures as he may deem appropriate.

(3) The interim Council shall, within thirty days of its formation, forward to the Minister the names of suitable persons for appointment to the Board under section 4(1) of the Act together with its recommendations thereon:

Provided that where no names are forwarded within the period specified in this regulation, the Minister may appoint such persons as he may deem suitable to represent the Council in the interim period.

27. Appeals

(1) An appeal to the Minister under section 19 of the Act shall—

- (a) be in writing signed by the chief officer of the Organization;
- (b) set out the grounds on which the appeal is based; and
- (c) be lodged with the Minister.

(2) The Minister's decision on any appeal lodged in accordance with paragraph (1) shall be communicated in writing to the appellant Organization.

28. Entry permits

Any registered Organization wishing to obtain entry permits in respect of prospective employees shall, where—

- (a) the services of such employees are necessary for the proper function of the Organization; or
- (b) no persons with comparable skills are available locally; or

[Subsidiary]

- (c) such employees will contribute towards the training of Kenyans to obtain scientific, technical and managerial skills,

apply in writing to the Principle Immigration Officer through the Board for the issuance of the required permits.

29. Exemption from duty

(1) Any Organization importing equipment or goods required for its activities in Kenya may, where there is sufficient proof that—

- (a) the foreign exchange for such goods is not raised in Kenya; or
- (b) the importation of such equipment will generate foreign currency for the country; or
- (c) the importing Organization has earned through income generating activities foreign exchange equivalent to the price of imported equipment; or
- (d) the cost of the imported equipment does not exceed thirty-five percentum of the total annual budget of the Organization; or
- (e) the price of similar goods in the local market exceeds the price of imported equipment by at least thirty percentum,

apply through the Board in writing to the Minister for the time being responsible for finance for exemption of such goods from duty.

(2) The Board shall, on receipt of any application under this regulation, forward it to the Minister for the time being responsible for finance together with its recommendations thereon.

(3) Where an application lodged under this regulation is granted, the Organization shall not dispose of any equipment in respect of which duty is exempted save with the permission of the Board in the manner set out in Form 15 in the First Schedule.

30. Application for exemption from tax

(1) Any Organization seeking exemption from tax may, where the exemption sought is in respect of—

- (a) value added tax on goods and services required to meet the Organization's objectives or
- (b) value added tax on income generating activities; or
- (c) income tax for expatriate employees,

apply through the Board to the Minister for the time being responsible for finance for the grant of the exemption.

(2) The Board shall, on receipt of any application under this regulation, forward it to the Minister for the time being responsible for finance together with its recommendations thereon.

[Corr. No. 55/1992.]

31. Inspection of documents by the public

Any person may, during working hours, and upon payment of the fee specified in regulation 33 inspect at the documentation centre, the register and any documents relating to any registered Organization or any other documents relating to any registered Organization lodged with the Board under the Act and these Regulations, and may obtain from the Director a copy or extract of such register or documents.

32. Offences and penalties

Any registered or exempted Organization or any officer thereof guilty of an offence under these Regulations shall be liable to a fine not exceeding six thousand shillings, or in the case of an officer, to imprisonment for a term not exceeding six months or to both.

33. Fees

The fees set out in the Third Schedule shall be payable to the Board for the purposes of the Act and the regulations.

[Corr. No. 55/1992, L.N. 205/199, r. 2(d), L.N. 84/2004, r. 5.]

FIRST SCHEDULE

FORMS

[L.N. 205/1992, L.N 61/2010.]

Form 1

(r. 4)

NON-GOVERNMENTAL ORGANIZATIONS CO-ORDINATION ACT

[Section 7(b).]

REGISTER OF NON-GOVERNMENTAL ORGANIZATIONS

- 1. Name of Organization
- 2. Postal Address
- 3. Physical Address
- 4. Classification (by Sector)
- 5. Date of Registration in Kenya

Form 2

(r. 8(2))

APPLICATION FOR APPROVAL OF NAME OF ORGANIZATION

To the Executive Director,
NGOs Co-ordination Board,
P.O. Box 30510,
Nairobi

I,

(FULL NAMES)

of

(ADDRESS)

request your approval to register a Non-Governmental Organization in any of the following names:

- 1.
- 2.
- 3.

Signature of applicant

Dated

FOR OFFICIAL USE ONLY

Approved/Rejected

Ground:

.....

Signed

*Executive Director/Non-Governmental
Organizations Co-ordination Board*

Fee: KSh.

[Subsidiary]

FIRST SCHEDULE—*continued*

Form 3

(3(a), (h))

NON-GOVERNMENTAL ORGANIZATIONS CO-ORDINATION BOARD

APPLICATION FOR REGISTRATION OF NON-GOVERNMENTAL ORGANIZATION IN KENYA

PART I

(Important notes to be read before completing the Form)

1. This form is to be completed by any organization seeking registration under the Non-Governmental Organizations Co-ordination Act, (No. 19 of 1990). Applicants are therefore advised to obtain and familiarize themselves with the Non Governmental Coordination Act, 1990 and the Non Governmental Organizations Regulations, 1992.
2. Application for registration will be submitted to the Executive Director, NGOs Co-ordination Board, P.O Box 44617 – 00100, Nairobi, Kenya.
3. Three original application forms must be accompanied by the following:
 - (a) Personal particulars for the three top officials in the prescribed form see (Part III 1-3). Each official must complete as directed in the Form.
 - (b) Three copies of the proposed organization's constitution signed by the three top officials.
 - (c) Two current colour passports size photographs of the applicants.
 - (d) A copy of ID for Kenyan official and Passport for foreigners.
 - (e) A notarized certificate of registration outside Kenya/incorporation in Kenya (if applicable).
 - (f) A copy of minutes of the proposed organization authorizing the filling of the application.
 - (g) A notification of location of the office and the postal address of the proposed organization.
 - (h) Form 1 signed by the three top officials of the proposed organization.
 - (i) The application fee payable to the Executive Director, NGOs Co-ordination Board, as specified in Regulation 33.
4. No organization will be allowed to operate as an NGO in Kenya without a certificate of registration issued by the NGOs Co ordination Board.
5. A registered organization will be subject to all the Laws of Kenya.
6. While filing these forms, the officials confirm and certify that they have read and understood the conditions and further confirm that the information they have given is true to the best of their knowledge. That false information would be subject to cancellation of the registration certificate.
7. This form is for the purpose of registration only (other issues i.e. application for work permit, tax and duty exemptions will be handled separately) but processed through the NGOs Co-ordination Board.

PART II

(To be completed by the applicant)

1. (a) Name of the proposed organization
-
- (b) Postal address of proposed organization
- (c) Physical address of the proposed organization (if known)
- (d) Tel: No.
- (e) Mobile No.
- (f) E-mail address
2. Date and place of first registration (if applicable)
-
3. (a) Nature of proposed organization (tick appropriately)
 - Legal Aid
 - Agriculture
 - Children

FIRST SCHEDULE, Form 3—continued

- Culture
- Disability
- Energy
- Education
- Environment
- Gender
- Governance
- Health
- Housing and Settlement
- Human Rights
- HIV/AIDS
- Information
- Informal sector
- Microfinance
- Old Age
- Peace Building
- Population & Reproductive Health
- Refugees
- Relief
- Sports
- Water & Sanitation
- Welfare
- Youth

Any other (specify)

(b) Main objective of the proposed organization

4. (a) Possible source(s) of funds

(b) Total amount of projected budgetary requirements in KSh

(Please attach an estimated budget. If an Organization was previously registered as a charity please indicate the total income of the previous year)

(c) Financial Year of the proposed organization

5. Other countries of operation (where applicable)

6. Current and planned districts of operation (specify at most five districts)

7. We certify that we have read and understood the conditions given in part I. We undertake to abide by them as required and hereby confirm that the information given by us in Parts II and III is correct to the best of our knowledge.

(a) Chairman Name

Signature Date

(b) Secretary Name

Signature Date

[Subsidiary]

FIRST SCHEDULE, Form 3—continued

- (c) Treasurer Name
- Signature Date

PART III (1)

1. Personal particulars of the First (1) Top Official in Kenya

- (a) Name
- Postal Address
- Permanent Secretary
- Residential Address
- (b) Previous Name: if any
- (c) District
- (d) Location
- (e) Sub Location
- (f) Telephone
- (g) Email
- (h) Date and place of Birth
- (i) Current Nationality
- (j) Previous Nationality
- (k) Nationality at Birth
- (l) Passport/ID Number
- (m) Place of issue of ID/Passport

2. Qualifications

(a) Educational Background

Name of Schools and Colleges Attended	Certificate Attained	Date	
		From	To

- (b) Profession
- (c) Please indicate place and date of attainment
- (d) Current Employment

PART III (2)

1. Personal particulars of the Second (2) Top Official in Kenya

- (a) Name
- Postal Address
- Permanent Secretary
- Residential Address
- (b) Previous Name: if any
- (c) District
- (d) Location
- (e) Sub-location
- (f) Telephone
- (g) Email
- (h) Date and place of Birth

FIRST SCHEDULE, Form 3—continued

- (i) Current Nationality
- (j) Previous Nationality
- (k) Nationality at Birth
- (l) Passport/ID Number
- (m) Place of issue of ID/Passport

2. Qualifications

(a) Educational Background

Name of Schools and Colleges Attended	Certificate Attained	Date	
		From	To

- (b) Profession
- (c) Please indicate place and date of attainment
- (d) Current Employment

PART III (3)

1. Personal particulars of the Third (3) Top Official in Kenya

- (a) Name
- Postal Address
- Permanent Secretary
- Residential Address
- (b) Previous Name: if any
- (c) District
- (d) Location
- (e) Sub-location
- (f) Telephone
- (g) Email
- (h) Date and place of Birth
- (i) Current Nationality
- (j) Previous Nationality
- (k) Nationality at Birth
- (l) Passport/ID Number
- (m) Place of issue of ID/Passport

2. Qualifications

(a) Educational Background

Name of Schools and Colleges Attended	Certificate Attained	Date	
		From	To

- (b) Profession
- (c) Please indicate place and date of attainment
- (d) Current Employment

[Subsidiary]

FIRST SCHEDULE, Form 3—continued

PART IV

List of Board members (Attach separate sheet if necessary)

- 1. 11.
- 2. 12.
- 3. 13.
- 4.
- 5. 15.
- 6. 16.
- 7. 17.
- 8. 18.
- 9. 19.
- 10. 20.

Form 4

(r. 10(1), 15(1), 21(21))

NOTIFICATION OF REGISTERED OFFICE OR POSTAL ADDRESS OF AN ORGANIZATION

To the Executive Director,
NGOs Co-ordination Board,
P.O. Box 30510
Nairobi

NOTICE is here given that

(Name of Organization)

- 1. *will have its registered office at
- 2. has changed its registered office from to
- 3. *will have its postal address at
- 4. has changed its postal address from to

Dated

Signed

Chief Officer

*Delete whichever is not applicable

Form 5

(r. 11)

CERTIFICATE OF REGISTRATION

I,, Executive Director of the Non-Governmental Organizations Board certify that the

FIRST SCHEDULE, Form 5—continued

has this day been registered under section 10 of the Non-Governmental Organizations Co-ordination Act subject to the following conditions:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Dated

Signed

Executive Director of the Board

Form 6

(r. 12)

NOTIFICATION OF REFUSAL OF REGISTRATION

To
.....
.....

This is to inform you that in exercise of the powers conferred by section 14 of the Non-Governmental Organizations Co-ordination Act, 1990, the Board has refused to register you under section 10 of the Act on the following grounds:

-
-
-
-
-
-

Dated

Signed

Executive Director

Form 7

(r. 14)

[L.N. 205/1992, r. 2(e), Section 10(4).]

APPLICATION FOR EXEMPTION FROM REGISTRATION OF AN ORGANIZATION

PART I

(Notes to be read before completing the form)

- 1. This form is to be completed by any Organization seeking exemption from registration under the Act.
- 2. The application must be submitted to the Non-Governmental Organization Co-ordination Board, P.O. Box 30510, Nairobi, Kenya.

Non-Governmental Organizations Co-ordination

[Subsidiary]

FIRST SCHEDULE, Form 7—continued

- 3. Five copies of the application form must be accompanied by the following:
 - (a) Personal particulars of the Non-Governmental Organization's top three officials in the prescribed form (see Part IV—Each Official to complete separately).
 - (b) Five copies of a letter from sponsor, i.e. the person or body providing primary financial and material support towards the project.
 - (c) Two copies of the Organization's constitution.
 - (d) Two current passport-size photographs of the Chief Officer of the Organization endorsed by sponsors or referee.
 - (e) Certificate of registration outside Kenya/incorporation in Kenya (where applicable).
- 4. The application fee as specified in regulation 33.

PART II

We, the undersigned officers hereby apply for exemption from registration under the Non-Governmental Organizations Co-ordination Act, 1990 (No. 19 of 1990).

The following are the particulars of the Organization:

- 1. (a) Name of Organization
- (b) Name of Chief Officer
- 2. Date and place of first registration (where applicable).
.....
- 3. (a) Nature of Organization (Tick one)

Welfare	Health	Relief
Water	Information Sector	Education
Population	Environment	Agriculture
Any other (Specify)		
Objective(s)		
.....		
- 4. Personal Requirements:
 - (a) Local
 - (b) Foreign
- 5. (a) Source(s) of funds
- (b) Total amount involved in KSh.
 (Please attach a detailed budget)
- 6. Other countries of operation (where applicable)
.....
.....
- 7. Name of other Organization(s) affiliated or connected to:
.....
.....
- 8. Location and address of headquarters:
.....
.....
- 9. District(s) of operation
- 10. Expected duration of programme
- 11. Type of equipment to be imported to Kenya (where applicable)
-
-

FIRST SCHEDULE, Form 7—continued

12. Nature of Government support expected, if any

13. We certify that we have read and understood the conditions given in Part I We undertake to abide by them as required and hereby confirm that the information given by us in Parts II and IV is correct to the best of our knowledge.

(a) Name Title

Signature

(b) Name Title

Signature

(c) Name Title

Signature

Chief Officer

PART IV

1. PERSONAL PARTICULARS OF THE OFFICERS ABOVE. (Each officer to complete this part separately).

(a) Name

Postal and Residential Address in Kenya

Permanent Address

(b) Previous Name (where applicable)

(c) Date and Place of Birth

(d) Current Nationality

(e) Previous Nationality

(f) Nationality at Birth

(g) Passport Number and Place of Issue

(h) Wife's/Husband's Full Name (where applicable):

2. QUALIFICATIONS

(a) Educational:

Table with 4 columns: Name of Schools and Colleges Attended, Certificate Attained, Date (From, To). It contains 5 empty rows for data entry.

(b) Professional:

(Please indicate place and date of attainment)

.....
.....
.....

Non-Governmental Organizations Co-ordination

[Subsidiary]

FIRST SCHEDULE, Form 7—continued

(c) Language Proficiency:

(Please indicate whether spoken and/or written)

- (i)
- (ii)
- (iii)
- (iv)

3. EMPLOYMENT RECORD

Present Employment:

Give full particulars of your employment since leaving school or college (including service with the armed forces and police):

Name and Full Address of Employment Department Regiment or Corps	Position Held	Date	
		From	To

4. PREVIOUS SERVICE IN KENYA (if any)

Name of Employer	Year	Reasons for Termination of Service

5. EMPLOYMENT OR ASSIGNMENT IN OTHER COUNTRIES OTHER THAN HOME COUNTRY:

Name of Employer	Year	Reasons for Termination of Service

Form 8

(r, 15(1))

CERTIFICATE OF EXEMPTION FROM REGISTRATION

This is to certify that I have this day exempted from registration under section 10 of the Non-Governmental Organizations Co-ordination Act, 1990.

Signed
Minister

FIRST SCHEDULE, Form 8—continued

Form 9

(r. 16(1))

NOTIFICATION OF INTENDED CANCELLATION OF REGISTRATION

To
.....
.....

I, , Executive Director of the Non-Governmental Organizations Co-ordination Board give you notice that in accordance with section 16(1) of the Act, 1990, the Board intends to cancel your registration under the said Act on the grounds that:

1.
2.
3.
4.
5.

You are hereby required, within days of the date of this notice, to show cause why your registration should be cancelled.

Dated

Signed
Executive Director

Form 10

(r. 16(2))

NOTICE OF CANCELLATION OF REGISTRATION

I, , Executive Director of the Non-Governmental Organizations Co-ordination Board notify that in accordance with section 14 of the Non-Governmental Organizations Co-ordination Act, 1990, the Board has cancelled your registration under the said Act on the grounds that:

1.
2.
3.
4.
5.
6.

Dated

Signed
Executive Director of the Board

[Subsidiary]

FIRST SCHEDULE—continued

Form 11

(r. 17(1))

NOTIFICATION OF RECISSION OF EXEMPTION FROM REGISTRATION

To
.....
.....

I, , Executive Director of the Non-Governmental Organizations Co-ordination Board notify you that with approval of the Minister, the Board has this day rescinded your exemption from registration under the Non-Governmental Organizations Co-ordination Act, 1990, on the grounds that:

.....
.....
.....

Dated

Signed
Executive Director of the Board

Form 12

(r. 19)

NOTICE UNDER SECTION 18(3) OF THE NON-GOVERNMENTAL ORGANIZATIONS CO-ORDINATION ACT

To
.....
.....

TAKE NOTICE that the Non-Governmental Organizations Co-ordination Board intends to strike you off the register of Non-Governmental Organizations on the grounds that you have ceased to exist as an Organization.

You are required, within thirty days of the date of this notice, to supply proof of your continued existence as an Organization in accordance with the Act.

Dated

Signed
Executive Director of the Board

Form 13

(r. 22(1))

NOTIFICATION OF CHANGE OF OFFICERS OR TITLE OF OFFICERS

To the Executive Director,
NGOs Co-ordination Board,
P. O. Box 30510
Nairobi.

The Organization hereby gives you notice in accordance

FIRST SCHEDULE, Form 13—continued

with the provisions of paragraph (1) of regulation 22 of the Non-Governmental Organizations Co-ordination Regulations, that the following changes were made on , 20 , of the Officers/Title of Officers* of the Organization:

.....
.....
.....
.....

Signed:

Name Designation

.....
.....
.....
.....
.....

Dated

* Delete whichever is not applicable.

Form 14

(r. 24)

NON- GOVERNMENTAL ORGANIZATIONS BOARD

ANNUAL REPORT

Please read these notes before filling this form

If either your total income/funding or expenditure exceeds the sum of Kenya Shillings One Million (Kshs. 1,000,000), you must send, together with this form, an Audited Report from recognised auditors within ICPAK.
You must send this form duly filled not later than 90 days from the date of completion of your financial year. We recommend that you send all the required documents to the NGOs Board, at least two weeks before the due date to ensure that they are received and processed on time.
Please enter all financial amounts in Kenya Shillings (KShs.)

To the Executive Director
NGOs Co-ordination Board
P. O. Box 44617
Nairobi

Financial year Starting on Ending on

SECTION A – GENERAL INFORMATION

(A1) Name and Address of NGO

Name
Postal Address
Physical Address
Telephone
Cell Phone
Fax
Email
Website

Non-Governmental Organizations Co-ordination

[Subsidiary]

FIRST SCHEDULE, Form 14—continued

Where any organization registered or exempted from registration changes the situation of its registered office or postal address, it shall give notice of such change to the Board in Form 4 set out in the First Schedule (Section 20(3) NGO Regulations, 1992)

(A2) Name and Address of Contact Person

Name

Position

Telephone Cell Phone

Email

Nationality (Select country)

(A3) Registration Number

(A4) Date of Registration

(A5) Scope of NGO (Tick where appropriate)

National International

(A6) Districts of operation

SECTION B – FINANCE

(B1) List of NGO's Assets, in regard to the following (Those stationed in Kenya only)

Item	Number	Estimated Value
Land		
Building		
Machinery		
Motor Vehicles		
Furniture and Fitting		
Computers		
Printers		
Scanners		
Photocopiers		
Fax Machines		
Other (Specify)		

(B2) Receipts

(i) Surplus/(Deficit) carried forward from previous year

(ii) Income

NOTE: For every donor given below, indicate their type based on the categories given below

- | | |
|-------------------------------------|--------------------------------------|
| (i) Religious Institution | (vii) Foreign Government Agency |
| (ii) Research/ Academic Institution | (viii) Non Governmental Organization |
| (iii) Agency of Kenya Government | (ix) Headquarter of this NGO |
| (iv) Embassy/ High Commission | (x) Directors' Contribution |
| (v) Foundation/ Trust | (xi) Membership Subscription |
| (vi) United Nations Agency | (xii) Other (Specify) |

FIRST SCHEDULE, Form 14—continued

Name of Donor	Type of Donor	Country	Amount
(iii) Income sub-total			
(iv) Receipts total {B2(i) + B2(iii)}			

(B3) Payments

	Kenya	Other Countries	Total
(i) Purchase of non-financial assets			
(ii) Projects cost			
(iii) Administration costs			
(iv) Personnel emoluments and benefits			
(a) Local Staff			
(b) International Staff			
(v) Other Running Costs			
(vi) Payments total			

(B4) Surplus/ (Deficit) (B2(iv) – B3(vi))

(B5) Accounts audited in the last Financial Year Yes
 (Tick where appropriate) No

(B6) For the amount spent on Projects in B3(ii) above, break it down to sectors in which it was spent in Kenya and other countries

Sector	In Kenya	In other countries
Agriculture		
Children		
Disability		
Education		
Environment		
Gender		
Governance		
Health		
HIV/AIDS		
Informal Sector		

[Subsidiary]

FIRST SCHEDULE, Form 14—continued

Sector	In Kenya	In other countries
Information		
Micro-finance		
Old Age Care		
Peace Building		
Population and Reproductive Health		
Refugees		
Relief		
Water		
Welfare		
Youth		
Other (<i>Specify</i>)		

(B7) Name(s) of Bank(s) and Branch(es) for this NGO

	Bank	Branch
(i)
(ii)
(iii)

NGOs are required to obtain authorization letters from NGOs Co-ordination Board before opening bank

SECTION C – FINANCE

(C1) State the number of Employees and Volunteers both local and International

(i) Stationed in Kenya

	Local Staff	International Staff	Total
Previous Year			-
Current Year			-
Staff who came in this year			-
Staff who left this year			-

(ii) Stationed in other countries (*Specify*)

	Local Staff	International Staff	Total
Previous Year			-
Current Year			-

(iii) Volunteers/Interns

	Local Staff	International Staff	Total
Previous Year			-
Current Year			-

FIRST SCHEDULE, Form 14—continued

(C2) Privileges accorded to Volunteers/Interns

	Local		International	
	Volunteers	Interns	Volunteers	Interns
Allowances/Stipends	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Others (<i>Specify</i>)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(C3) Number of staff members trained during the reporting period

	Local Staff	International staff	Total
In-house Training			-
Professional Training			-
Other Training (<i>Specify</i>)			-
			-
Total	-	-	-

SECTION D – PROJECTS

Note that "Projects in Other Countries" as referred to in this Section are the activities which were administered, supervised or co-coordinated from the Kenyan office of this NGO

(D1) Projects carried out	(i) projects carried out this year, that were brought forward from previous year		(ii) Projects carried out this year, that were started during the year		(iii) Projects carried out this year, that were completed during the year	
	Kenya	Other	Kenya	Other	Kenya	Other
Agriculture	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Governance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIV/AIDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Informal Sector	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Micro-finance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Old Age Care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peace Building	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Non-Governmental Organizations Co-ordination

[Subsidiary]

FIRST SCHEDULE, Form 14—continued

Sector	Kenya	Other	Kenya	Other	Kenya	Other
Population and Reproductive Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Refugees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Relief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welfare	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Youth	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(D2) Contribution(s) from Local Community and Government (Projects carried out in Kenya only)

(i) From Local Community (Tick where appropriate)

	<input type="checkbox"/>	Estimated amount
Material	<input type="checkbox"/>
Labour	<input type="checkbox"/>
Financial	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/>

(ii) From Government (Tick where appropriate)

Tax waiver and VAT Exemption	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/>
Items/Goods granted		
Tax/Waiver/VAT Exemption		Amount granted
	
	

(D3) Type of Organization collaborated with and Nature of Collaboration

(Projects carried out in Kenya only) (Tick where appropriate)

	Information Exchange	Technical to Partner	Technical from Partner	Funding to Partner	Funding from Partner	Equipment to Partner	Equipment from Partner
NGOs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CBOs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FBOs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research Institutions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Academic Institutions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health Institutions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FIRST SCHEDULE, Form 14—continued

	Information Exchange	Technical to Partner	Technical from Partner	Funding to Partner	Funding from Partner	Equipment to Partner	Equipment from Partner
Government of Kenya Agencies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donor Agencies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (Specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION E – GOVERNANCE

(E1) Number of Board meetings per year, by NGO's Constitution

(E2) Meetings held previous year

(E3) Meetings held in current year

(E4) Date of Last Annual General Meeting (AGM)

(E5) Frequency of Elections as per Constitution (Tick where appropriate)

Annually

Every 2 years

Every 3 years

Every 4 years

Every 5 years

Other (Specify)

(E6) Date of last Election

(E7) Number of Directors/Officials

(E8) During the financial year, have any assets of this NGO stolen or otherwise misappropriated by a person who was, at the time, associated with this NGO (whether the assets or their value have been recovered or not)?

Yes No

(E8) Names of three current Officials

	Name	Postal Address	Telephone
(i)
(ii)
(iii)

Where there is any change of officers or of the title of any office of a registered Organization, notice in Form 13 set out in the First Schedule shall be given to the Board within fourteen days of the change and the notice shall be signed by three of the officers of the Organization (NGOs Regulations 22(1). Note that the changes only become effective after a letter of confirmation is issued by the NGOs Coordination Board

SECTION F – DECLARATION

I declare that the information given in this form is true and correct to the best of my knowledge, and that it reflects the actual state and activities of this Organization.

Signed by Chief Officer:

Name Sign Date

Organization official stamp

[Subsidiary]

FIRST SCHEDULE—continued

Form 15

(r. 29(3))

PERMISSION TO DISPOSE OFF EQUIPMENT EXEMPTED FROM DUTY

To
.....
.....

The Non-Governmental Co-ordination Board has agreed to grant its permission to you to dispose off the following equipment by sale/donation/other subject to the conditions listed thereunder:

Name of Equipment	Particulars
1.
2.
3.

CONDITIONS

1.
2.
3.

Dated Signed

Chairman of the Board

SECOND SCHEDULE

[Rules 10(1)(e), 16(1)(e).]

[L.N. 152/1992.]

MATTERS TO BE PROVIDED IN THE CONSTITUTION OF EVERY NON-GOVERNMENTAL ORGANIZATION

1. Name of Non-Governmental Organization.
2. The whole of the object for which the Non-Governmental is established and administrative units.
3. The custody, use and investment of the funds and property of the Non-Governmental Organization and the designation of the persons responsible thereof.
4. The purpose for which the funds may be used, and in particular—
 - (a) the prohibition of the distribution of funds and assets among members;
 - (b) prohibition of clauses in the constitution that may constitute loopholes for the distribution of funds and assets to members of officials except for legitimate reimbursement of expenses in carrying out the objects of the Non-Governmental Organization;
 - (c) rules governing the awarding of contracts to members or officials.
5. Persons or entities (if necessary) for whom membership is open.
6. Structure and management of the Organization—
 - (a) titles of officers, trustees, auditors and their terms of office and methods of election, appointment, dismissal and suspension;

Non-Governmental Organizations Co-ordination

[Subsidiary]

(b) composition of committees and their terms of office and methods of election, appointment, dismissal and suspension.

7. Quorums for and dates of general meetings.
8. Financial year and periodicity of audit of accounts.
9. Inspection of books and list of members.
10. The formation of branches.
11. The manner of amending the name, constitution or rules of the Non-Governmental Organization.
12. The manner of dissolution of the Non-Governmental Organization and disposal of its property on dissolution.

THIRD SCHEDULE

[L.N. 84/2004, r. 6, L.N. 61/2010, r. 4.]

FEES

<i>Description of fee</i>	<i>Amount (KSh.)</i>
1. Application fee for approval of name (r. 8(2))	500
2. Application fee for registration (r.9(1)(d) –	
(a) International	22,000
(b) National	11,000
3. Application fee for replacement of lost or destroyed certificate (r. 11A) –	
(a) International	10,000
(b) National	5,000
4. Application fee for exemption from registration (r.14(d))	2,000
5. Application fee for re-instatement after cancellation for non-compliance with r. 24 (r.17(7))	25,000
6. Application fee for consent to change of name or constitution or other matter described in r. 22(1)	2,000
7. Fee for giving notice of change of officer or title of officer	2,000
8. Fee for issue of new certificate where name changed (r. 23(2))	10,000
9. Fee for furnishing an annual report (r. 24(2))	1,000
10. Fee for forwarding, by Board, of application for work permit (r. 28)	16,000
11. Fee for forwarding, by Board, of application for exemption duty (r. 29)	2,000
12. Fee for forwarding, by Board, of application for exemption from tax (r. 30)	2,000
13. Fee for issue of a letter by the Board to a bank or financial institution in respect of the opening of a bank account	2,000
14. Fee for inspection for the register or a document lodged with the Board relating to an Organization	2,000
15. Fee for provision of application form by Board	200

NON-GOVERNMENTAL ORGANIZATIONS COUNCIL CODE OF CONDUCT, 1995

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation.
2. Interpretation.

PART II – APPLICATION OF CODE

3. Application.
4. Acquaintance with the Code.
5. Organizations to keep copies of Code.
6. Non-compliance with Code to constitute breach of Code.

PART III – CONDUCT OF ORGANIZATIONS

7. Observance of cardinal values.
8. Probity.
9. Self-regulation.
10. Justice.
11. Service.
12. Co-operation.
13. Prudence.
14. Respect.

PART IV – THE REGULATORY COMMITTEE

15. Establishment of the Committee.
16. Meetings and procedure of Committee.
17. Functions of Committee.

PART V – REGULATION OF ORGANIZATIONS

18. Jurisdiction of Committee.
 19. Complaints against organizations.
 20. Procedure for dealing with complaints.
 21. Appeals.
 22. Powers of the General Assembly.
 23. Signification of documents.
-

[Subsidiary]

NON-GOVERNMENTAL ORGANIZATIONS COUNCIL CODE OF CONDUCT, 1995

[L.N. 306/1995.]

PART I – PRELIMINARY

1. Citation

This Code may be cited as the Non-Governmental Organizations Council Code of Conduct, 1995.

2. Interpretation

(1) This Code shall be read and interpreted in conjunction with the Rules and Regulations.

(2) In this Code, unless the context otherwise requires—

“**advocate**” has the meaning assigned to it in section 2 of the Advocates Act; (Cap. 16);

“**Board of Trustees**” means the Board of Trustees of the Council established under the Rules and Regulations;

“**Chief Executive Officer**” means the chief executive officer of the Council;

“**Code**” means the Non-Governmental Organizations Council Code of Conduct, 1995;

“**Committee**” means the Regulatory Committee of the Council established by regulation 15;

“**co-operation**” means solidarity, participation and collaboration within the Council and with other organizations;

“**Executive Committee**” means the Executive Committee of the Council established under the Rules and Regulations;

“**Council**” means the National Council of Non-Governmental Organizations established under section 23 of the Act;

“**General Assembly**” means the General Assembly of the Council established under the Rules and Regulations;

“**justice**” means the achievement of social equity, equality and harmony;

“**organization**” means a Non-Governmental Organization within the meaning of section 2 of the Act;

“**probity**” means the exercise of responsibility, accountability, trustworthiness and integrity;

“**prudence**” means linking action, knowledge, foresight and reflection;

“**respect**” means the recognition of the rights, dignity and potentiality of others;

“**Rules and Regulations**” means the Rules and Regulations of the Council approved by the General Assembly on the 15th July, 1993;

“**Secretary**” means the Secretary to the Committee;

[Subsidiary]

“**self-regulation**” means the exercise of autonomy, observance of stability and the practice of adaptability; and

“**service**” means the spirit of voluntariness, benevolence and care.

PART II – APPLICATION OF CODE

3. Application

This Code is an expression of the ethos of every registered organization and shall apply and be observed by all registered organizations.

4. Acquaintance with the Code

Every registered organization shall make itself acquainted with the provisions of this Code.

5. Organizations to keep copies of Code

Each registered organization shall ensure that at least one copy of this Code is kept in its registered office for use by its officials.

6. Non-compliance with Code to constitute breach of Code

An organization which fails to comply with any provisions of this Code is in breach of the Code and liable to regulatory action under Part V.

PART III – CONDUCT OF ORGANIZATIONS

7. Observance of cardinal values

In the performance of its functions, every registered organization shall observe the cardinal values of probity, self-regulation, justice, service, co-operation, prudence and respect.

8. Probity

In the observance of the probity, an organization shall—

- (a) perform its duties incorruptibly;
- (b) not abuse any privilege availed to it;
- (c) not solicit or accept gifts, rewards or any advantage, whether pecuniary or otherwise, from any person as an inducement to do anything in its official capacity or to grant any favour to any person;
- (d) at all times avoid any conflict between official and private interests;
- (e) immediately upon—
 - (i) being wound up; or
 - (ii) being subject to winding-up or bankruptcy proceedings; or
 - (iii) being subject of a receiving order; or
 - (iv) presenting a creditor’s petition to a court, report such fact in writing to the Chief Executive Officer;
- (f) be honest and impartial in all dealings with people.

9. Self-regulation

In the observance of self-regulation, an organization shall—

- (a) strive for self-determination;
- (b) appraise and evaluate its conduct periodically;

[Subsidiary]

- (c) be open to learning and change; and
- (d) be self-reliant and vigilant.

10. Justice

In the observance of justice, an organization shall—

- (a) recognize and uphold the rights of all and particularly of the disadvantaged;
- (b) practice fairness and equality in all its operations;
- (c) ensure equality of opportunity for all regardless of nationality, ethnic background, gender, religion or creed;
- (d) ensure that its actions are need-oriented, impartial and just;
- (e) adhere to and uphold the rule of law.

11. Service

In the observance of service, an organization shall—

- (a) render service to all who fall within its mandate and particularly the needy;
- (b) strive to improve the service rendered to people;
- (c) strive to fulfil unmet basic needs;
- (d) promote community organization and participation;
- (e) undertake public education and information dissemination;
- (f) foster opportunities for those being served to influence both the type and delivery of service.

12. Co-operation

In the observance of co-operation, an organization shall—

- (a) share information and experiences;
- (b) encourage the sharing of activities and co-ordination through participation;
- (c) promote the sharing of resources with other organizations;
- (d) strive for unity, collaboration, reciprocity and teamwork;
- (e) resolve conflicts amicably;
- (f) avoid unproductive duplication of activities.

13. Prudence

In the observance of prudence, an organization shall—

- (a) take well-informed and judicious decisions;
- (b) give priority to careful and good management practices;
- (c) encourage innovation and creativity and act with care and precision;
- (d) contribute towards a healthy human and natural environment;
- (e) exercise and encourage stewardship in the management or use of resources.

14. Respect

In the observance of respect, an organization shall—

- (a) observe the integrity, national security and sovereignty of the Republic of Kenya;
- (b) be prompt and courteous in all communication with the public;

- (c) uphold the rights of others;
- (d) trust other organizations and act in good faith and good-will;
- (e) observe the national and international policies of the Government of the Republic of Kenya.

PART IV – THE REGULATORY COMMITTEE

15. Establishment of the Committee

(1) There is established a committee to be known as the Regulatory Committee which shall consist of—

- (a) the chairperson of the Executive Committee who shall be the chairperson;
- (b) an advocate of not less than ten years standing elected from amongst three persons nominated by the Law Society of Kenya;
- (c) one person elected from amongst the members of the Board of Trustees;
- (d) four persons elected from amongst the members present at a General Assembly;
- (e) the Chief Executive Officer who shall be an *ex officio* member and secretary to the committee.

(2) During the absence for any reason of any of its elected members, the Committee may nominate any person qualified for election as a member to act as a temporary member.

(3) During the absence for any reason of the chairperson or the secretary, the Committee shall elect any one of its members to act as temporary chairperson or secretary as the case may be.

(4) During the absence for any reason of the advocate, the Committee shall, after consultations with the chairman for the time being of the Law Society of Kenya, nominate another advocate of equal standing to act as a temporary member.

16. Meetings and procedure of Committee

(1) The Committee shall sit as a committee of either five or seven members, and shall require the presence of the advocate at all its sittings.

(2) The Chairperson of the Executive Committee shall preside at all meetings of the Committee at which he is present.

(3) Any member of the Committee who has or may have an interest in any matter brought before the Committee shall declare such interest to the secretary prior to deliberations on the matter and shall not participate in such deliberations in any manner.

(4) For the purpose of any application or complaint or matter brought before the Committee under this Code, the Committee may take evidence on oath or affirmation, and any party to the proceedings may take out summons to give evidence or produce documents, but no person shall be compelled under such summons to produce any document which he could not legally be compelled to produce at the trial of a suit.

(5) The Committee may make rules for regulating the making of it and the hearing and determination by it of applications and complaints under this Code.

17. Functions of Committee

The Regulatory Committee shall—

- (a) promote and maintain adherence to the Rules and Regulations;

[Subsidiary]

- (b) review the Code from time to time and propose any necessary amendments to the General Assembly;
- (c) define and review the criteria for support by the Council of applications by potential members for registration under the Act;
- (d) define and review the criteria for support by the Council of applications by its members with regard to work permits, duties and tariffs;
- (e) compile reports for the General Assembly recommending cancellation or suspension of certificates of registration of organizations under section 16 of the Act;
- (f) consider and determine any application complaint or matter brought before it under this Code, the Rules and Regulations or the Act;
- (g) carry out such functions as are authorized by this Code, the Rules and Regulations or by any other written law;
- (h) carry out such additional functions as the General Assembly may, from time to time direct.

PART V – REGULATION OF ORGANIZATIONS

18. Jurisdiction of Committee

Every registered organization shall be subject to the jurisdiction of the Committee.

19. Complaints against organizations

(1) A complaint against a registered organization for breach of this Code may be made to the Committee by any person.

(2) A complaint under subparagraph (1) shall be in writing and shall set out in detail the particulars of the alleged breach.

20. Procedure for dealing with complaints

(1) Subject to paragraph (2), where a complaint is made under this Part, the Committee shall give the organization against which the complaint is made an opportunity to appear before it and shall furnish it with a copy of the complaint and of any evidence in support thereof and shall give it an opportunity of inspecting any relevant documents, not less than seven days before the date fixed for the hearing:

Provided that where in the opinion of the Committee the complaint does not disclose any *prima facie* breach of this Code, the Committee may at any stage of the proceedings dismiss the complaint without requiring the organization to answer any allegations made against it and without hearing the complaint.

(2) The Committee may at any stage of the proceedings refer any complaint before it to the General Assembly for decision.

(3) All complaints before the Committee shall be heard in camera.

(4) After hearing the complaint and the organization to whom it relates, if it wishes to be heard, and considering the evidence adduced, the Committee may order that the complaint be dismissed or, if of the opinion that a breach of the Code on the part of the organization has been established, the Committee may—

- (a) order that the organization be admonished; or
- (b) recommend to the Board that the certificate of registration of the organization be cancelled or suspended under section 16 of the Act.

[Subsidiary]

(5) Where the person directly responsible for a breach of the Code is a member, employee or agent of the organization, the Committee may recommend to the General Assembly that the organization take appropriate action against the person and notify the Council of the action taken.

(6) Where a person responsible for a breach of the Code holds or is eligible to hold office in the Council, the Committee may order that the person be removed or barred from holding office in the Council for a period not exceeding five years.

(7) On the termination of the hearing of a complaint, the Committee shall embody its findings and recommendations in the form of a report which shall be delivered to the Executive Committee, together with the record of the evidence taken and any documents put in evidence.

21. Appeals

(1) An organization aggrieved by a decision of the Committee under this Part may, within thirty days of the decision, appeal against the decision to the first General Assembly following the decision, by giving notice of the appeal to the Chief Executive Officer.

(2) A notice under subparagraph (1) shall be accompanied by a memorandum setting out the grounds of appeal and shall be submitted to the Chief Executive Officer within fourteen days of the date on which the Committee's decision is communicated to the aggrieved organization.

(3) The General Assembly, after considering the organization's submission, the report of the Committee and the memorandum of appeal, and having heard the parties and any witnesses they may wish to call, and after taking any further evidence, if it thinks fit so to do, may—

- (a) refer the report back to the Committee with the directions for its findings on any specified point; or
- (b) confirm, set aside or vary any recommendation made by the Committee or substitute therefore such order as it may think fit.

(4) If upon hearing the appeal the General Assembly is equally divided, the complaint shall stand dismissed as against the organization.

(5) An appeal under this paragraph shall suspend the effect or stay the execution of the order appealed against until the appeal is finally determined.

(6) Subject to subparagraph (4), the decisions of the General Assembly shall be final.

(7) Every recommendation or order by the Committee and every order by the General Assembly, as the case may be, shall be filed on a file to be kept for that purpose, by the Chief Executive Officer who shall also cause a certified copy of the recommendation or order to be delivered to the organization to which it relates or be sent by registered post to its last known address.

22. Powers of the General Assembly

Notwithstanding the powers of the Committee under this part, the General Assembly may, of its own motion, where an organization is in breach of the Code, either independently of any decision taken by the Committee or in addition to or in substitution of such decision—

- (a) impose a fine on the organization; or
- (b) recommend to the Board that the certificate of registration of the organization be suspended or cancelled.

[Subsidiary]

23. Signification of documents

(1) Every report and every recommendation or order made by the Committee under this Part shall be signified under the hand of the Chairman and any report, recommendation or order so signified shall be judicially and officially noticed as such unless and until the contrary is proved.

(2) Subject to subparagraph (1), all rules, certificates, notices and other documents made or issued by the Committee may be signified under the hand of the Secretary or such other person as the Committee may authorize for that purpose.
