THE CAPITAL MARKETS ACT
(Cap. 485A)

IN EXERCISE of the powers conferred by section 36 of the Capital Markets Act, the Minister for Finance, in consultation with the Capital Markets Authority, makes the following Regulations-

THE CAPITAL MARKETS (FOREIGN INVESTORS) (AMENDMENT) REGULATIONS, 2007

1. These Regulations may be cited as the Capital Markets (Foreign Investors) (Amendment) Regulations, 2007.

2. The Capital Markets (Foreign Investors) Regulations, 2002, in these Regulations referred to as “the principal Regulations”, is amended in regulation 2-

   (a) by deleting the words “East African investors or” appearing immediately after the words “local investors” in the definition of “Authorized Depository”;

   (b) by deleting the definition of the term “East African investor”;

   (c) by deleting the words “Kenya or an East African investor” appearing in the definition of “foreign investor” and substituting therefor the words “East African Community Partner States”;

   (d) in the definition of the term “issuer”, by deleting the word “Kenya” and substituting therefor the words “East African Community Partner States”;

   (e) in the definition of the term “reserve”, by deleting the words “East African investors or”.
3. Regulation 3 of the principal Regulations is amended-

(a) in paragraph 1, by deleting the words "twenty five" appearing immediately before the words "per centum" and substituting therefor the word "forty";

(b) in paragraph 3, by-

(i) deleting the words "twenty five" appearing immediately before the words "per centum" and substituting therefor the word "forty";

(ii) deleting the words "the East African investors, local investors or" appearing immediately before the words "foreign investors";

(c) in paragraph 4, by deleting the words "East African investors and" appearing immediately before the words "foreign investors".

4. Regulation 4 of the principal Regulations is amended in paragraph 1-

(a) by deleting items (b) and (c);

(b) in items (d) and (e), by inserting the words "Community Partner States" immediately after the word "African";

(c) by re-numbering items (d) and (e) as items (b) and (c), respectively.
5. Regulation 5 is amended in paragraph 1 by deleting the words "local individual investor, a local institutional investor, an East African individual investor or East African institutional investor" and substituting therefor the words "East African Community Partner States individual investor or East African Community Partner States institutional investors".

6. Regulation 6 of the principal Regulations is amended—

(a) in paragraph (1)-

(i) by deleting the words "and East African investors";

(ii) by deleting the word "seventy" and substituting therefor the word "sixty";

(b) in paragraph (2), item (b), by deleting the words "and East African investors hold seventy" and substituting therefor the words "hold sixty".

7. Regulation 7 of the principal Regulations is amended—

(a) in paragraph (1), by deleting the phrases "or East African investor" and "or an East African investor, as the case may be";

(b) in paragraph 2, by deleting the words "the East African investors and" appearing immediately after the words "certificate for".

8. Regulation 10 of the principal Regulations is amended by deleting the phrases "or East African investor" and "or East African investors" wherever they appear.

Dated the 14th June, 2007.

AMOS KIMUNYA,

Minister for Finance.