

CHAPTER 534

CERTIFIED PUBLIC SECRETARIES OF KENYA ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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CERTIFIED PUBLIC SECRETARIES (APPLICATION FOR REGISTRATION) (FORMS AND FEES) REGULATIONS, 1990

[L. N. 355/1990, L.N. 117/2009, L.N. 39/2010, L.N. 1/2011, L.N. 173/2015.]

- 1. These Regulations may be cited as the Certified Public Secretaries (Application for Registration) (Form and Fees) Regulations, 1990.
- 2. An application for registration shall be in form RCPSB 1 set out in the Schedule.
[L.N. 39/2010, s. 2.]
- 3. (1) The prescribed fee under section 19 (2) of the Act shall be —
 - (a) ten thousand shillings for registration; and
 - (b) fifteen thousand shillings for re-registration.
 (2) The fee prescribed under subregulation (1) shall not be refundable whether the application is granted or not.

[L.N. 117/2009, s. 2, L.N. 173/2015.]

SCHEDULE

[Rule 2.]

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CERTIFIED PUBLIC SECRETARIES OF KENYA ACT

[Cap. 534].

RCPSB 1

[L.N. 39/2010, s. 3, L.N. 1/2011, s. 2.]

REGISTRATION OF CERTIFIED PUBLIC SECRETARIES BOARD, KENYA

APPLICATION FOR REGISTRATION

The Registrar
 Registration of Certified Public Secretaries Board
 P.O. Box 58218-00200
 NAIROBI

1. Surname (Mr /Mrs /Miss /Ms/Dr/Prof) (BLOCK LETTERS)

Other Names (BLOCK LETTERS)

University and/or Professional affixes

Postal Address

Residential Address

.....

Email Address

Telephone No. Office Mobile

Date of Birth (see note 3)

Nationality

Certified Public Secretaries of Kenya

[Subsidiary]

SCHEDULE, RCPSB 1—*continued*

Have you previously applied to the Board for Registration? YES? NO

If yes, state date(s) of previous application(s)

2. I, the above-named, hereby apply to have my name as stated above entered in the Register of Certified Public Secretaries of Kenya.
3. I enclose a banker's cheque/personal/company cheque for KSh.....in payment of the prescribed registration fee which I understand is not refundable (see note 5).

PERSONAL PARTICULARS

(All particulars set out in numbers 4-11 must be completed and the declaration at number 12 signed)

4. EDUCATIONAL BACKGROUND

School, University or Other Institution	From	To	EXAMINATION PASSED			
			Name of Examining Body	Degree, Diploma, Certificate awarded (see note 6)	Class/Division attained	Year

5. PROFESSIONAL SECRETARIAL AND ADMINISTRATIVE EXAMINATIONS

Name of Examining Body	Registration No.	Sections, Stages, Parts Passed/Exempted (see note 7)	Date Passed/Exempted	Remarks

6. (a) PROFESSIONAL EXPERIENCE AND PRACTICAL TRAINING (see note 8)

Name and Address of Organizations	From	To	Position Held	Description of Responsibilities

SCHEDULE, RCPSB 1—continued

(b) CPD CREDIT HOURS (where applicable)

I have attended various programmes organized by the Institute of Certified Public Secretaries of Kenya – ICPSK as shown here below and acquired the requisite CPD Credit hours.

Training Programme	Date of Event	CPD Credit Hours attained

7. OTHER QUALIFICATIONS (specify with dates)

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

I am a member of the following institutions:

.....
.....

8. HONOURS/DISTINCTIONS RECEIVED

.....
.....

9. ARTICLES/PUBLICATIONS WRITTEN

.....
.....

10. Have you ever been convicted on any criminal offence in a court of law? If yes give details.

(a) Offence for which convicted

.....
.....

(b) Date and place of conviction

.....
.....

(c) Sentence imposed

.....
.....

11. Are you ordinarily resident in Kenya? YES /NO

If Yes, state from what date

12. I declare that the foregoing statements are true in every respect and that none of the disqualifications listed in section 21 of the Act, apply to me. I acknowledge that any statement contained anywhere in this application which is known by me to be false shall invalidate this application and any decision reached thereon by the Board. I have read the Certified Public Secretaries of Kenya Act Cap. 534. I am aware of the penalties stipulated in section 19 (5) of the Act and I understand that, if registered, I shall be bound thereby and by any amendments thereto so long as my name remains in the Register.

Applicant's Signature

Dated on the 20.....

[Subsidiary]

SCHEDULE, RCPSB 1—continued

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Application No.	Date Received
Date Acknowledged	Receipt No
Date
Approved/Rejected Minute No	Deferred Minute No
Date Notification sent	Registration No
Gazette Notice No.	Chairman's Signature
Certificate Dispatched	Date
Certificate Acknowledged	Member's Signature
Registrar's Signature	Date
Date

APPLICATION FOR REGISTRATION AS A CERTIFIED PUBLIC SECRETARY—
GUIDANCE NOTES

1. A person wishing to be registered as a Certified Public Secretary shall apply to the Registration Board in the prescribed form (RCPSB 1).
2. A person is qualified to be registered on meeting the requirements of section 20 of the Certified Public Secretaries of Kenya Act, (Cap. 534) of the laws of Kenya as listed hereunder:
 - (a) Has been awarded by the Examinations Board (KASNEB) a certificate designated the final certificate of Certified Public Secretaries Examinations;
 - (b) Holds a qualification approved by the Registration of Certified Public Secretaries Board (RCPSB);
 - (c) Was on 30th June, 2002 both a citizen of Kenya and a member of the professional body known as The Institute of Chartered Secretaries and Administrators;
 - (d) Was on 30th June, 2002 both ordinarily resident in Kenya and a member of the professional body known as The Institute of Chartered Secretaries and Administrators;
 - (e) Was on 1st November, 1989 registered as an Accountant under section 24(1) of the Accountant Act; or
 - (f) Was on 30th June, 2002 an Advocate of the High Court of Kenya.
3. A copy of the Birth Certificate certified by a Commissioner of Oaths must be submitted with the application. Applicant should provide two (2) recent coloured passport size photographs certified by a Commissioner of Oaths.
4. (a) If a Kenyan, a copy of both sides of ID/Card, or if Non-Kenyan current work permit together with copies of pages 1 to 5 and the last page of the passport are required.
 (b) A Non-Kenyan shall produce a copy of suitable identification document (for instance the ID card of his country, passport or any other acceptable document in lieu of a work permit, passport, etc.)
5. Application fees are payable by cheque drawn in favour of the Registration of Certified Public Secretaries Board at a prescribed fee of KSh. 7,500 for Kenyans and KSh. 18,000 for Non-Kenyans.
6. Copies of Educational and Professional Certificates certified by a Commissioner of Oaths should be enclosed with the application. Original Certificates when called for may either be delivered at the Board's Offices on 7th Floor, Treasury Building or sent by registered post. No responsibility will be accepted by the Board for lost certificates. The required copies of certificates are as follows:
 - (a) "O" Level
 - (b) "A" Level—where applicable
 - (c) Degree—where applicable

SCHEDULE, RCPSB 1—*continued*

(d) Relevant professional qualifications.

Cases of Affidavits with regard to lost/misplaced certificates must be accompanied by evidence from institutions awarding the certificates.

7. (a) Applicants who hold KASNEB qualifications will be required to include a copy of CPS Part I, CPS Part II and CPS final Certificate (CPS Part III) from KASNEB duly certified by a Commissioner for Oaths.
 - (b) If granted exemption from any sections, stages or parts of any examination, this should be stated.
 - (c) Holders of foreign qualifications will only be registered on provision of membership certificates from their respective Institutes.
8. Give full details of your professional experience and practical training record during the last five years starting from your present appointment. Each employment must be confirmed by a letter from the employer (including present employer), and/or professional body on official or business note paper specifying:
- (a) Date of commencement and/or termination.
 - (b) Nature and scope of duties.
 - (c) Specify whether employment was full-time or part-time.
 - (d) Character and Professional Conduct—confirmed by Present or Previous Employers.
9. A Commissioner of Oaths should certify all photocopies of certificates and documents confirming they are true copies of the Originals. The same Commissioner of Oaths should issue the applicant with a letter confirming that the applicant is a person known to him/her.
10. Applicants are required to note that application for registration will be received at the Board's Office subject to compliance with all the requirements outlined in these notes.
-

CERTIFIED PUBLIC SECRETARIES (APPLICATION FOR PRACTISING CERTIFICATES) (FORMS AND FEES) REGULATIONS, 1990

[Section 37, L.N. 204/1990, L.N. 116/2009, L.N. 38/2010, L.N. 2/2011, L.N. 174/2015.]

1. These Regulations may be cited as the Certified Public Secretaries (Application for Practising Certificates) (Forms and Fees) Regulations, 1990.

2. A person applying for a practicing certificate shall forward the application to the Board in Forms RCPSB 2 and RCPSB 3 set out in the Schedule.

[L.N. 38/2010, s. 2.]

3. (1) The prescribed fee under section 16 (2) of the Act shall be —

- (a) twelve thousand five hundred shillings for practicing certificate; and
- (b) ten thousand shillings for renewal of authority to practice.

(2) The fee prescribed under subregulation (1) shall not be refundable whether the application is granted or not.

[L.N. 116/2009, s. 2, L.N. 174/2015.]

SCHEDULE

[L.N. 204/1990, L.N. 38/2010, L.N. 2/2011.]

CONFIDENTIAL

RCPSB 2

(Rule 2)

CERTIFIED PUBLIC SECRETARIES OF KENYA ACT

[Cap. 534.]

REGISTRATION OF CERTIFIED PUBLIC SECRETARIES BOARD, KENYA

APPLICATION FOR GRANT OF A PRACTISING CERTIFICATE

The Registrar
Registration of Certified Public Secretaries Board
P.O. Box 58218-00200
NAIROBI.

SECTION A

1. Surname (Mr /Mrs /Miss /Ms/Dr/Prof) (BLOCK LETTERS)
2. Other Names (BLOCK LETTERS)
3. Postal Address
Email Address
4. RCPSB Registration Number (*see note 2*) Date of Registration
5. I enclose a banker's cheque/personal/company cheque for KSh. in payment of the prescribed practising application fee which I understand is not refundable (*see note 3*).
6. Work experience (*see note 4*).
I certify that, I have experience in the following areas (Please tick appropriate boxes).

[Subsidiary]

SCHEDULE, RCPSB 2—continued

- 6.1 COMPANY SECRETARIAL PRACTICE
 - Compliance Issues
 - Meetings
 - Annual Returns and other Statutory Returns
 - Shares transfer issues
 - Corporate communication
 - Custody of documents, including electronic custody
 - Incorporation of Companies
 - Increase of authorized capital
 - Declaration of Trust and Trust Deeds
 - Conversion of private companies to public companies and *vice versa*

- 6.2 INSTITUTIONAL AND CORPORATE MANAGEMENT
 - Administration and Corporate Management
 - Human Resources Management and Development
 - Financial Management
 - Pension and Trust Administration
 - Insurance
 - Information Technology Management
 - Project Management
 - Contract Management and Execution
 - Receivership

- 6.3 PUBLIC SERVICE (CENTRAL AND LOCAL GOVERNMENT)
 - Administration in its widest sense
 - Human Resources Management and Development
 - Financial Management

6.4 OTHER RELEVANT EXPERIENCE (PLEASE LIST)

.....

.....

.....

.....

Please attach a letter from the employer(s).

6.5 CPD CREDIT HOURS (*where applicable*)

I have attended various programmes organized by the Institute of Certified Public Secretaries of Kenya (ICPSK) as shown here below and acquired the requisite CPD Credit Hours:

<i>Training Programme</i>	<i>Date of event</i>	<i>CPD hours attained</i>

SCHEDULE, RCPSB 2—continued

7. Practical experience in Independent Secretarial Work with Practising Firms (see note 5a)
(Use additional sheet of paper if necessary)

Name of Firm	Position Held	From	To	Main Clients Handled

8. Names and contacts of partners under whom you served in No. 7 above. (see note 6)

Name of Partner	Firm Name & Contacts	From	To

9. State the names and addresses of two (2) referees who are able to vouch for your professional ability and general character. Both referees must be registered Certified Public Secretaries (in good standing) and with at least 2 years practising experience (see note 7). One being among those listed under No. 8 above. Persons named here must not be related to the applicant by birth.

Name	Reg. No.	Contact Address

SECTION B

10. I, hereby apply for the grant of a Practising Certificate under the provisions of section 16 of the Certified Public Secretaries of Kenya Act (No. 12 of 1988). The details of my intended practice are as provided below:

10.1 Name and Style of practice

10.2 Main Address at which practice will be located:

- Physical location
- Town /District
- Address
- Telephone No:
- Telefax No:
- Email Address
- Contact Partner

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[Subsidiary]

SCHEDULE, RCPSB 2—continued

10.3 Branch offices:

Physical location	Town/District
.....
.....
.....

11. Names and contacts of existing partners (where applicable), their Registration and Practising Certificate numbers.

Name	Registration No.	Practising Cert No.	Residential Status

- 12. State whether the Practice will be Full time Part time
- 13. If part time, give approximate proportion of working time to be spent in practice (in percentage terms)
 Less than 20% 20-50% Over 50%
- 14. Will the firm provide other related professional services apart from Company Secretarial services? Yes No
- 15. If the answer to No. 14 above is yes, list the other services planned to be offered.

16. Date planned for Practice to commence

- 17. Declaration
 - (a) I hereby solemnly declare that the foregoing information is true to the best of my knowledge. I acknowledge that any statement contained anywhere in this application which is known to me to be false shall invalidate this application and any decision reached thereon by the Board. I have read the Certified Public Secretaries of Kenya Act, and I am aware of the penalties stipulated in connection with the provision of misleading information.
 - (b) I further commit to fulfill any requirements set by the Institute of Certified Public Secretaries of Kenya (ICPSK) relating to Professional Standards, Continuous Professional Development (CPD), and any other professional pronouncements that are in force or may be introduced in the future.

Applicant's signature Date

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Application No	Date Received
Date Acknowledged	Receipt No Date
Approved/Rejected Min No.	Deferred Min. No
Notification sent	Gazette Notice No.
Certificate Dispatched	Certificate Acknowledged
Chairman	Member Registrar
Date	Date

GUIDANCE NOTES FOR APPLICATIONS FOR PRACTISING CERTIFICATE

1. A member wishing to apply for a practising certificate shall apply to the Registration Board in the prescribed form (RCPSB 2).
2. The applicant should provide:
 - (a) Copies of the registration certificate from RCPSB and membership certificate from ICPSK. The copies should be certified as being true copies of the original by an Advocate of the High Court of Kenya who must also be a Commissioner for Oaths to whom the applicant is known. Alternatively the copies may be certified at the Board's offices on presentation of the original certificates by the applicant or his/her representative.
 - (b) Two (2) recent coloured passport size photographs.
3. Application fees are payable by cheque drawn in favour of the Registration of Certified Public Secretaries Board at a prescribed fee of KSh. 10,000.00 for Kenyans and KSh. 20,000.00 for Non-Kenyans. (NB. Non-Kenyans should enclose a copy of a valid work permit also certified as in paragraph (2)(a) above.
4. The experience gained should be in at least one of the following areas of work:
 - (i) **Company Secretarial Practice**
 - Compliance Issues
 - Meetings
 - Annual Returns and other Statutory Returns
 - Shares transfer issues
 - Corporate communication
 - Custody of documents, including electronic custody
 - Incorporation of Companies
 - Increase of authorized capital
 - Declaration of Trust and Trust Deeds
 - Board Management
 - Restructuring and Mergers
 - Conversion of private companies to public companies and vice versa
 - (ii) **Institutional and Corporate Management**
 - Administration and Corporate Management
 - Human Resources Management and Development
 - Financial Management
 - Pension and Trust Administration
 - Insurance
 - Information Technology Management
 - Project Management
 - Contract management and Execution
 - Receivership
 - (iii) **Public Service (Central and Local Government)**
 - Administration in its widest sense.
 - Human Resources Management and Development
 - Financial Management

(b) The applicant must provide a letter from the employer detailing the length of service, position, nature of work and recommendation.
5. (a) A member wishing to apply for practising certificate should have at least two (2) years post-registration practical experience. The experience must have been gained under the supervision of a Certified Public Secretary (in good standing), who has at least two (2) years practising experience. Where the 2 years experience has been

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[Subsidiary]

acquired under different Certified Public Secretaries, the applicant is required to obtain certification from all of them.

(b) A member wishing to apply for a practising certificate must have been a member of the Institute of Certified Public Secretaries of Kenya (ICPSK) in good standing for at least two (2) years preceding the application.

6. The applicant must provide a letter from a practising firm of Certified Public Secretaries in confirmation of the applicant's experience in independent Company Secretarial work, specifying the following:

- (a) That the applicant has obtained the equivalent of at least two (2) years in secretarial practice, either in full-time or part-time capacity..
- (b) Details of clients handled by applicant and levels of responsibility on the assignments.
- (c) Level of the applicant's responsibilities in secretarial practice generally and the duration such responsibilities have been handled (e.g. manager, supervisor/senior, clerk/assistant and the period such position held).
- (d) Names and contacts of the partners to whom the member was responsible for his work.
- (e) Other work experience gained by the applicant since registration as a Certified Public Secretary.

7. The applicant must provide statements from two (2) referees detailing their knowledge of the applicant particularly as relates to attributes. Both referees must be registered Certified Public Secretaries, one being a practising Certified Public Secretary with whom the applicant has worked under and who must confirm details of the applicant. The other referee should be a person under whom the applicant has not served under paragraph (8) above.

CONFIDENTIAL

RCPSB 3

REGISTRATION OF CERTIFIED PUBLIC SECRETARIES BOARD OF KENYA REFEREE FORM

The Registrar
Registration of Certified Public Secretaries Board
P. O. Box 58218-00200
NAIROBI.
Tel. 2252299 Ext. 33087

Date

TO:

Dear Sir /Madam,

CERTIFIED PUBLIC SECRETARIES ACT
(Cap. 534)

APPLICATION FOR A PRACTISING CERTIFICATE

The Board is in receipt of an application from Mr/Mrs/Miss/Ms/Dr/Prof for grant of a practising certificate under section 17 of the Certified Public Secretaries Act. The applicant has given your name as a referee, and the Board would appreciate your prompt response to the questions contained overleaf.

In order to clarify what constitutes practising as a Certified Public Secretary of Kenya, an extract from the Certified Public Secretaries Act is hereby appended.

Your comments will be treated in confidence.

Yours faithfully,

.....
Registrar

- 1. Name of Applicant: Mr/Mrs/Ms/Dr/Prof
- 2. For how many years have you known the applicant?
- 3. Are you related to the applicant?
- 4. Do you support the application?

Yes _____

No _____

- 5. If your answer in No. 4 is yes, briefly state your knowledge of his/her professional ability, responsibilities and experience relevant to the Certified Public Secretaries Profession by filling in the below details.

(a) The applicant has gained in the following areas of work:

(iv) **Company Secretarial Practice**

- o Compliance Issues
- o Meetings
- o Annual Returns and other Statutory Returns
- o Shares transfer issues
- o Corporate communication
- o Custody of documents, including electronic custody
- o Incorporation of Companies
- o Increase of authorized capital
- o Declaration of Trust and Trust Deeds
- o Board Management
- o Restructuring and Mergers
- o Conversion of private companies to public companies and vice versa

(v) **Institutional and Corporate Management**

- o Administration and Corporate Management
- o Human Resources Management and Development
- o Financial Management
- o Pension and Trust Administration
- o Insurance
- o Information Technology Management
- o Project Management
- o Contract management and Execution
- o Receivership

(vi) **Public Service (Central and Local Government)**

- o Administration in its widest sense.
- o Human Resources Management and Development
- o Financial Management

- 6. (a) OTHERS (PLEASE LIST)

.....

(b) Please give comments on the following attributes of the applicant

Supervisor's Comments

Accountability

Efficiency and effectiveness

Certified Public Secretaries of Kenya

[Subsidiary]

- Integrity
- Responsibility
- Transparency

I (Supervisor) Certify that (Applicant) acquired experience in the areas shown above, under my supervision from (Date) to (Date)

Recommended/Not Recommended (Please tick one)

Remarks

(If not recommended please give reasons)

Personal Details of the Supervisor

Name

Membership No.

Signature

Date

7. Referee's Name in full

Academic /Professional qualification

Name of Employer (where applicable)

Position Held

Official stamp

Signature Date

EXTRACT FROM THE CERTIFIED PUBLIC SECRETARIES ACT

[Cap. 534.]

Practising as a Certified Public Secretary.

15. (1) Subject to this section, a person practices as a Certified Public Secretary for the purpose of this Act if, in consideration of remuneration or other benefits received or to be received and whether by himself or in partnership with any other person—

- (a) He engages in the public practice of Secretaryship or performs the statutory duties of a Certified Public Secretary or holds himself out to the public as a person entitled to do so;
- (b) He offers to perform or performs services involving the submission of official and statutory returns of companies and trading organizations;
- (c) He offers to perform or performs services involving the certification of statutory returns or records related to statements; or
- (d) He engages in any practice, or performs or offers to perform any services, which may be prescribed.

**CERTIFIED PUBLIC SECRETARIES (APPLICATION FOR
REGISTRATION) (PERMITTED AGE) REGULATIONS, 1990**

[Section 19(5), L. N. 429/1990.]

1. These Regulations may be cited as the Certified Public Secretaries (Application for Registration) (Permitted Age) Regulations, 1990.
 2. No person shall apply for registration under section 19 of the Act unless he has attained the age of eighteen years.
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