

NO. 11 OF 2011

THE POLITICAL PARTIES ACT

SUBSIDIARY LEGISLATION

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**THE POLITICAL PARTIES DISPUTES
TRIBUNAL (PROCEDURE) REGULATIONS**

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THE POLITICAL PARTIES DISPUTES TRIBUNAL (PROCEDURE) REGULATIONS

[Legal Notice 67 of 2017]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the Political Parties Disputes Tribunal (Procedure) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"Act" means the Political Parties Act (Cap. 7D);

"complainant" means a person who lodges a dispute pursuant to section 40 of the Act;

"Commission" means the Independent Electoral Boundaries Commission established under Article 88 of the Constitution;

"complaint" means a dispute filed under section 40 of the Act;

"Chairperson" means the Chairperson appointed under section 39 of the Act;

"deputy registrar" means a person designated by the Judicial Service Commission for the discharge of judicial functions of the Tribunal and includes any person performing the duties of the office;

"hearing" means a sitting of the Tribunal duly constituted for the purposes of conducting proceedings under these Regulations;

"interested party" means a person named and enjoined as a party in proceedings before the Tribunal;

"member" means a person appointed under section 39 (2) (b) of the Act;

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

"respondent" means the person against whom the complaint is made; and

"Secretary" means the Secretary to the Tribunal appointed under section 43 of the Act.

3. Application

These Regulations apply in the determination of disputes filed with the Tribunal pursuant to section 40 of the Act.

4. Object and guiding principles

(1) The object of these Regulations is to set out the procedure to facilitate just, expeditious and impartial determination of disputes affecting political parties.

(2) In exercising its authority, the Tribunal shall be guided by the following principles—

- (a) justice shall be administered to all, irrespective of status;
- (b) justice shall not be delayed;
- (c) alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms shall be promoted;
- (d) justice shall be administered without undue regard to procedural technicalities; and
- (e) the national values and principles of governance in the Constitution.

(3) A party to a dispute shall assist the Tribunal to realize the object and guiding principles of these Regulations.

[Subsidiary]

PART II – ORGANIZATION AND ADMINISTRATION OF THE TRIBUNAL

5. Constitution of the Tribunal

(1) Subject to subregulation (3), the Tribunal shall be properly constituted despite any vacancy in its membership.

(2) The Chairperson shall be responsible for—

- (a) the constitution of panels of three or more members whenever circumstances demand;
- (b) the overall administration and management of the Tribunal; and
- (c) ensuring the orderly and prompt conduct of business of the Tribunal.

(3) Pursuant to section 39 (7) of the Act, the Tribunal shall be properly constituted for purposes of any proceedings before it if it is comprised of three members, one of whom shall be an advocate of the High Court.

(4) A sitting of the Tribunal shall be presided over by the Chairperson or, in the absence of the Chairperson, such other member being an advocate designated in writing by the Chairperson.

(5) Without prejudice to subregulation (3), a single member of the Tribunal designated by the Chairperson for that purpose may hear applications and make orders with regard to—

- (a) change of representation;
- (b) admission and recording of consent;
- (c) consolidation of matters;
- (d) correction of errors on the face of the record;
- (e) withdrawal of documents;
- (f) leave to file additional documents;
- (g) grant of interim orders; or
- (h) admission of documents for filing in the registry.

(6) A party aggrieved by the decision of a single member of the Tribunal may file an application for review of the decision to the Tribunal.

6. Sittings of the Tribunal

(1) Sittings of the Tribunal may, unless the Chairperson otherwise directs, be held at a designated place between the hours of 8:00 a.m. and 5:00 p.m.

(2) Despite subregulation (1), sittings of the Tribunal may, where circumstances demand, be held at such place and time as the Tribunal may deem necessary for the expedient and proper exercise of its authority.

(3) In determining the sittings of the Tribunal under this regulation, the Chairperson shall give reasonable notice and opportunity to all parties to appear before the Tribunal.

PART III – PROCEDURES FOR DETERMINATION OF DISPUTES

7. Filing of disputes

(1) A dispute to the Tribunal shall be commenced by filing a complaint within thirty days from the date of making the decision complained of, if the dispute is between—

- (a) the members of a political party;
- (b) a member of a political party and a political party;
- (c) political parties;
- (d) an independent candidate and a political party;
- (e) coalition partners; or
- (f) appeals from decisions of the Registrar of Political Parties.

(2) A complaint under subregulation (1) shall be filed in the registry in Form 1A set out in the First Schedule.

(3) An appeal to the Tribunal against the decision of the Registrar of Political Parties shall be in Form 1 B set out in the First Schedule.

8. Disputes relating to party primaries

(1) A complaint against the decision of an internal political party dispute resolution mechanism arising out of political party primaries shall be filed with the Tribunal not more than fourteen days from the date of the decision, and in any case, at least one day before the day set aside by the Commission for submission of names of the party candidates who have been selected to participate in the general elections pursuant to section 31 (2A) of the Elections Act (Cap. 7).

(2) The Tribunal shall, with regard to disputes arising out of party primaries, exercise its powers under Regulation 37 to extend or reduce the time prescribed for the doing of any act under these Regulations to ensure that the ends of justice are met and, in particular, to enable parties to comply with the requirements of the Elections Act (Cap. 7), the Political Parties Act (Cap. 7D) and any other law relating to elections.

(3) Where, after the lodging of a complaint an internal political party dispute resolution mechanism has not made a determination, an aggrieved party may, after the lapse of the thirty days contemplated under section 13 (2A) of the Elections Act (Cap. 7) or such other period as the Tribunal may allow, file a complaint with the Tribunal.

(4) A dispute arising out of party primaries shall be heard and determined on priority basis and in any case not later than one day before the day set aside by the Commission for submission of names of the party candidates who have been selected to participate in the general elections pursuant to section 31 (2A) of the Elections Act (Cap. 7).

9. Form and contents of a complaint

(1) A complaint under regulation 7 shall state—

- (a) the name and address of the complainant;
- (b) the name and address of the respondent;
- (c) the date when the decision or action upon which the complaint is based arose;
- (d) the decision, if any, complained against;
- (e) the grounds on which the complaint is presented; and
- (f) the name and address of the advocate for the complainant, if any, which shall be the address for service.

(2) A complaint shall be—

- (a) supported by an affidavit by the complainant containing the grounds on which relief is sought and setting out the facts relied on by the complainant;
- (b) accompanied by witness statements signed by the witnesses;
- (c) accompanied by copies of any supporting documents to be relied on at the hearing; and
- (d) signed by the complainant or by a person duly authorized by the complainant.

(3) There shall be as many copies of the complaint filed as there are persons to be served, and a copy for the Tribunal.

(4) The complaint shall conclude with a prayer, requesting the Tribunal to make the appropriate relief.

(5) Where an aggrieved party makes a complaint in writing to the Tribunal other than in the prescribed form, the Tribunal may, after holding a preliminary hearing with the complainant, require that the complaint be reduced into the prescribed form and proceed with it in accordance with these Regulations.

10. Service on the respondent

(1) The complainant shall serve the complaint on the respondent within seven days of filing the complaint with the Tribunal.

[Subsidiary]

- (2) A complaint shall be served by—
 - (a) direct service; or
 - (b) advertisement in a newspaper of national circulation.
- (3) Service on a political party or Registrar of Political Parties shall be by—
 - (a) delivery at the registered office; or
 - (b) advertisement in a newspaper of national circulation.

11. Proof of service

The person serving a document under these Regulations shall swear and annex or cause to be annexed to the original document an affidavit of service stating the time and manner in which the document was served and the name and address of the person, if any, witnessing the delivery.

12. Response by the respondent

(1) Upon being served with a complaint under regulation 10, the respondent may oppose the complaint by filing and serving a response within seven days from the date service.

(2) The response to a complaint filed under subregulation (1) shall be in Form 1C set out in the First Schedule and shall be—

- (a) supported by an affidavit verifying contents in the form;
- (b) accompanied by witness statements signed by the witnesses;
- (c) accompanied by copies of any supporting documents to be relied on at the hearing; and
- (d) signed by the respondent or by a person duly authorized by the respondent.

(3) There shall be as many copies of the response filed as there are persons to be served, and a copy for the Tribunal.

(4) Unless otherwise ordered by the Tribunal, every response to a complaint shall be served by the respondent as set out in regulation 10 within seven days from the date of filing that response.

(5) A response shall respond to each claim made in the complaint.

(6) A respondent who has not filed a response as provided under this regulation shall not be allowed to take part in the proceedings.

13. Close of pleadings

(1) After the response is filed by the respondent, the complainant shall be at liberty to file a reply to the response within four days of service or such period as may be directed by the Tribunal.

(2) Pleadings shall close five days after the filing of the reply by the complainant or such other period as may be directed by the Tribunal.

14. Acknowledgement by the registry

Upon receipt of the documents filed under regulations 7, 8 and 12, the registry shall—

- (a) acknowledge receipt of the documents by stamping and endorsing the date on which the documents were received;
- (b) enter the name of the complainant, respondent and their advocates in a register;
- (c) inform the person of the case file number as entered in the case register; and
- (d) advise the person of any steps required to be performed to enable the Tribunal to determine the matter.

15. Scheduling conference

(1) After close of pleadings, the Tribunal may hold a scheduling conference to—

- (a) determine the possibility of alternative dispute resolution;
- (b) determine whether there are any documents that the Tribunal may order to be produced before or during the hearing;
- (c) consider compliance with these Regulations;
- (d) identify contested and uncontested issues;
- (e) create a timetable for the proceedings;
- (f) consider consolidation of complaints or appeals; and
- (g) consider any other form of settlement.

(2) Where the parties reach an agreement and the Tribunal is satisfied that it is the will and intention of the parties to so agree, the Tribunal shall record a settlement on the terms agreed upon by the parties.

(3) A scheduling conference shall be presided over by a member of the Tribunal, who shall be an advocate of the High Court designated by the Chairperson for that purpose.

16. Notice of hearing

(1) Where the parties fail to reach an agreement after the scheduling conference and alternative dispute resolution is not an option, the Tribunal shall fix a hearing date and notify the parties.

(2) The deputy registrar shall give the parties not less than seven days notice of the date fixed for the hearing.

17. Procedure at the hearing

(1) The evidence of the complainant shall be heard first, followed by that of his or her witnesses, if any, unless the Tribunal orders otherwise.

(2) At the close of the evidence of the complainant and each of the witnesses, the respondent shall be given an opportunity to examine each of them.

(3) At the close of the evidence of the complainant and the witnesses, the evidence of the respondent shall be heard and the complainant shall be given an opportunity to examine the respondent and each of the respondent's witnesses.

(4) The Tribunal may, at any time during the proceedings, examine either party or any witness and may, in its discretion, call any additional evidence it considers necessary.

(5) The Tribunal may at its discretion require parties to file written submissions either in addition to or in lieu of taking oral evidence.

18. Hearing to be open to the public

(1) The proceedings of the Tribunal shall be open to the public.

(2) The Tribunal may, if it thinks fit, order that the public generally or any particular person shall not have access to the proceedings.

19. Hearing to be on day to day basis

(1) The Tribunal shall, as far as practicable, hear the case on a day-to-day basis once the proceedings have commenced.

(2) Despite subregulation (1), the Tribunal may, where sufficient cause is shown, upon the application of any of the parties, adjourn the proceedings from time to time.

20. Non-appearance of complainant

Where, on the date fixed for the hearing, the respondent appears and the complainant does not appear, the Tribunal shall, if it is satisfied that the hearing notice was duly served, ask the respondent whether he or she admits the claim and if—

- (a) the respondent admits the claim or any part of the claim, the Tribunal may make a ruling against the respondent for the claim or for the part of the claim so admitted and dismiss the part not admitted; or

[Subsidiary]

- (b) the respondent does not admit the claim, the Tribunal may dismiss the matter.

21. Non-appearance of respondent

Where on the date fixed for the hearing, the complainant appears, but the respondent does not appear, the Tribunal may—

- (a) if satisfied that the hearing notice notifying the respondent of the place and time of the hearing was duly served, proceed to receive the evidence and submissions; and
- (b) if satisfied that the complainant has established a case, in whole or in part, make a decision in favour of the complainant accordingly.

22. Non-appearance of both parties

(1) Where on the date fixed for the hearing both parties do not appear, the Tribunal may dismiss the complaint.

(2) Where a complaint is dismissed under subregulation (1), the Tribunal may reinstate the complaint if the complainant shows sufficient cause for non-appearance.

23. Withdrawal of pleadings

(1) A party may, at any time before or during the hearing apply to withdraw any pleadings filed by the party.

(2) Upon receipt of an application under subregulation (1), the Tribunal shall consider the application and make a determination.

(3) Where pleadings are withdrawn under subregulation (1)—

- (a) the Tribunal shall, by notice, inform all the parties of such withdrawal; and
- (b) a party may request the Tribunal to order costs to be paid by the party withdrawing the pleadings.

24. Setting aside judgments

(1) A party against whom a decision has been made under regulations 20 and 21 may apply to the Tribunal to set aside the decision.

(2) The Tribunal shall not set aside any decision unless it is satisfied that the party has given sufficient cause for non-appearance.

25. Disclosure of interest

Where a member of the Tribunal has an interest in any matter before the Tribunal, that member shall declare the interest in the matter which shall be recorded and the member shall not participate in the hearing or decision making process of the Tribunal in relation to that matter.

26. Language of the Tribunal

(1) The official languages of the Tribunal are English and Kiswahili.

(2) Translation of the proceedings may be provided by the Tribunal in appropriate cases.

27. Burden and standard of proof

(1) A complainant shall have the burden of proving their case.

(2) Where any party asserts any fact or claim, he or she shall prove that fact or claim.

(3) An issue before the Tribunal shall be proved on the balance of probabilities.

28. Rejection of an application

(1) The Tribunal may, at any stage in the proceedings, after giving the parties an opportunity to be heard, reject an application in whole or in part if it considers that the application discloses no valid ground or that it is vexatious.

(2) Where the Tribunal rejects an application, it may make any consequential order it considers appropriate.

29. Decisions of the Tribunal

(1) The decision of the Tribunal may be unanimous or determined by majority verdict.

(2) The decision of the Tribunal shall be written by the Chairperson or the person presiding over the proceedings.

(3) The decision of the Tribunal shall contain the following—

- (a) the nature of the complaint;
- (b) the number of the complaint;
- (c) the names of the parties;
- (d) a summary of all the relevant evidence produced before the Tribunal and the reasons for accepting or rejecting the evidence;
- (e) the order or decision and the reasons thereof;
- (f) the relief or remedy to which the parties are entitled; and
- (g) an order as to costs.

(4) The decision of the Tribunal shall be read out in open court.

(5) The members of the panel, with the exception of any dissenting member, shall sign the decision.

(6) The Chairperson, the member presiding over any proceedings or the deputy registrar may certify orders, directions or decisions of the Tribunal.

PART IV – PROVISIONS RELATING TO WITNESSES

30. Competence of Witnesses

A person is competent to testify unless the Tribunal considers that the person is prevented from understanding the questions put to him or her or is not capable of giving rational answers, due to his or her tender age or infirmity, whether of body, mind or any cause.

31. Power to summon material witness or re-examine person present

(1) The Tribunal may at any stage of the proceedings—

- (a) summon any person to appear before it as a witness;
- (b) examine any person in attendance though not summoned as a witness; or
- (c) recall and re-examine any person, if the Tribunal deems his or her evidence essential.

(2) The complainant or respondent shall have the right to cross examine any person examined under subregulation (1) and the Tribunal may, upon request by a party, adjourn the hearing for such time as it thinks necessary to enable the party to adequately prepare for cross examination.

(3) A witness before the Tribunal shall have the same immunities and privileges as if the person was a witness before the High Court.

(4) Where a witness, without sufficient cause, does not appear in response to the summons, the Tribunal may, on proof of proper service of summons in reasonable time before the hearing date, issue a warrant to bring the witness before the Tribunal at the time and place specified in the warrant.

32. Penalty for non-attendance of witnesses

A person summoned to attend as a witness who—

- (a) fails to attend as required by the summons;
- (b) having attended, departs without having obtained the permission of the Tribunal; or

[Subsidiary]

- (c) fails to attend after adjournment of the Tribunal after having been ordered to attend,

commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding six months or to both such fine and imprisonment.

PART V – REVIEWS AND APPEALS

33. Reviews

(1) The Tribunal may, of its own motion or upon application by an aggrieved party, review its decisions or orders.

(2) A person aggrieved by a decision of the Tribunal may, within fourteen days from the date of the decision or order, apply to the Tribunal for a review.

(3) The law applicable to reviews before the High Court in civil matters shall, with the necessary modifications, apply in reviews before the Tribunal.

34. Appeals

(1) A person aggrieved by a decision of the Tribunal may, within thirty days from the date of the decision or order, appeal to the High Court.

(2) The law applicable to appeals before the High Court in civil matters shall, with the necessary modifications, apply in appeals before the Tribunal.

(3) A decision of the High Court shall be final.

PART VI – MISCELLANEOUS PROVISIONS

35. Registry

(1) The principal registry of the Tribunal is located in Nairobi.

(2) The Tribunal may establish registries in other parts of the Republic as appropriate.

(3) The Secretary shall be responsible for—

- (a) the establishment and maintenance of the registry;
- (b) the acceptance, transmission, service and custody of documents; and
- (c) keeping records of proceedings of the Tribunal.

(4) There shall be a register which shall contain the following particulars—

- (a) the serial number of the complaint;
- (b) the date of filing the complaint;
- (c) the name and address of the complainant, or where there is more than one complainant, the names and addresses of all the complainants;
- (d) the name of the respondent, or where there is more than one respondent, the names and addresses of all the respondents;
- (e) the nature of the complaint;
- (f) the date of hearing;
- (g) a list of documents, either produced or filed, including those requested by the Tribunal;
- (h) the decision or order of the Tribunal and the date it was made;
- (i) the date on which the remedy was executed;
- (j) the particulars and details of execution of the decision or order; and
- (k) the final disposition of the complaint.

36. Production of documents

The Tribunal shall have the power to order any person to produce documents relevant to a matter before it.

37. Extension and reduction of time

The Tribunal may, for sufficient reason, extend or reduce the time prescribed by these Regulations for the doing of any act upon such terms and conditions as may appear to it just and expedient.

38. Copies of Tribunal documents

(1) A person affected by an order or decision of the Tribunal who requires a copy of the order or decision shall, on applying for the copy, be issued with the copy upon payment of the prescribed fee set out in the Second Schedule.

(2) The Tribunal may waive the prescribed fee where sufficient reason is given for the waiver.

(3) A person, other than a person affected by the decision or order of the Tribunal, may obtain copies of documents of the Tribunal on payment of the fee prescribed in the Second Schedule.

39. Application of Civil Procedure Rules

Where an issue is not provided for under these Regulations, the Civil Procedure Rules shall apply with such modifications as the Tribunal shall deem necessary.

40. Tribunal not to be bound by technicalities

The Tribunal is, in the resolution of disputes under these Regulations, not bound by technicalities or legal rules of procedure and may waive any rules or procedural requirements.

41. Immunity of the Tribunal

(1) A member of the Tribunal is not liable to be sued in any civil court or Tribunal for any act done or ordered to be done by the member in the discharge of judicial functions.

(2) An officer of the Tribunal or any other person designated to execute any order or warrant of the Tribunal is not liable to be sued in any civil court or Tribunal in respect of any lawful act done in the execution of the warrant.

42. Conservatory or Interim orders

(1) Notwithstanding anything contained in these Regulations, the Tribunal may hear and determine an application for conservatory or interim orders.

(2) Any such order may be discharged, varied or set aside by the Tribunal on application made thereto by any party dissatisfied with such order.

43. Taxation of costs

(1) The costs of any matter before the Tribunal shall be determined by the Chairperson or the person presiding over a panel who shall have power to determine by whom and out of what property such costs are to be paid.

(2) The costs of any complaint, cause or other matter shall follow the event unless the Tribunal, for good reason, otherwise orders.

(3) Where the Tribunal does not determine the amount of costs to be paid, any party may apply to the deputy registrar for taxation of the costs and the deputy registrar shall notify all parties of the date fixed for such taxation.

FIRST SCHEDULE**FORMS****(r. 7 (2))****FORM 1A****COMPLAINT FORM****REPUBLIC OF KENYA**

Political Parties

[Subsidiary]

IN THE POLITICAL PARTIES DISPUTES TRIBUNAL

COMPLAINT NO. OF 20

COMPLAINANT

-VERSUS -

RESPONDENT

AND (where applicable)

INTERESTED PARTY

(Tick as appropriate)

Dispute between members of a political party.

Dispute between a member and a political party.

Dispute between political parties.

Dispute between an independent candidate and a political party.

Dispute between coalition partners.

Dispute arising from party primary.

Address of the complainant:

Name and address of the Respondent:

1. Nature of
Complaint

2. Grounds on which the complaint is
presented

3. Have there been any efforts to resolve this matter within the
Party? (Please indicate the date of the decision taken, if any
by the party's internal dispute resolution mechanism)

4. Prayers sought from the
Tribunal

Drawn and filed by:To be served upon:

FORM 1B

(r. 7 (3))

APPEAL FORM

REPUBLIC OF KENYA

IN THE POLITICAL PARTIES DISPUTES TRIBUNAL

APPEAL NO. OF 20

..... APPELLANT

-VERSUS -

THE REGISTRAR OF POLITICAL PARTIES

RESPONDENT

AND (where applicable)

..... INTERESTED PARTY

Address of the Appellant:

.....

.....

.....

Name and address of the interested party:

1. Claim by Appellant:

.....

.....

.....

2. Grounds on which the appeal is presented:

.....

.....

3. Prayers sought from the Tribunal:

.....

.....

Drawn and filed by:

.....

To be served upon:

.....

FORM 1C

(r. 12 (2))

RESPONSE FORM

REPUBLIC OF KENYA

IN THE POLITICAL PARTIES DISPUTES TRIBUNAL

RESPONSE TO A COMPLAINT NO. OF 20

..... COMPLAINANT/APELLANT

-VERSUS -

..... RESPONDENT

AND (where applicable)

..... INTERESTED PARTY

Name and address of the Respondent:.....

1. Nature of the Response.

.....

2. Grounds on which the response to the complaint is presented:

.....

3. Prayers sought from the Tribunal:

.....

Drawn and filed by:

.....

To be served upon:

[Subsidiary]

.....

SECOND SCHEDULE

[r. 38 (1), r. 38 (3)]

FEES

NO.	Nature of Documents	Fees in KSh.
	Filing of complaint/statement of claim	1,500
	Declaratory orders	6,000
	Notice of motion or chamber summons	250
	Order in each prayer therein i.e. in the notice of motion	150 per prayer
	Affidavits	100
	Annexures	10 per annexure
	Submissions	250
	Preliminary Objection	250
	Hearing Notice	100
	Mention Notice	100
	Proceedings original (certified)	60 per page
	Uncertified proceedings	30 per page
	Making copies of records other than proceedings in the Tribunal's file (copying fees)	10 per page and the party to bear their own copying charges

These fees guidelines are applicable as per the Judiciary's Guide to Assessment of Court Fees 1995 and are subject to change by the Judiciary of Kenya.

**THE POLITICAL PARTIES (STAFF MORTGAGE
AND CAR LOAN SCHEME) REGULATIONS**

ARRANGEMENT OF REGULATIONS

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SCHEDULES

MAXIMUM LOAN THRESHOLD

**THE POLITICAL PARTIES (STAFF MORTGAGE
AND CAR LOAN SCHEME) REGULATIONS**

[Legal Notice 294 of 2017]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Political Parties (Staff Mortgage and Car Loan Scheme) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"borrower/applicant" means the Registrar of Political Parties or a member of staff of the Office of the Registrar of Political Parties in receipt of a loan out of the Scheme;

"Committee" means the Staff Mortgage and Car Loan Advisory Committee established under regulation 7 of these Regulations;

"equity release" means a loan facility to assist property owners to obtain cash from value of their residential property;

"financial year" means the period of twelve months ending on the 30th June of each year;

"fund accountability statement" means the basic financial statement to be audited that presents the Scheme's revenues, costs incurred, cash balance of the provided funds (after considering reconciling items), and assets and technical assistance directly procured by the Committee through the Supply Chain Management Department for Scheme's use and whose currency amounts must be stated in Kenya shillings;

"Liaison Office" means a competent office nominated by the Committee to administer the Scheme on its behalf;

"loan" means a loan borrowed by a member of staff for the objectives as set out under regulation 5;

"member of staff" means staff of the Office of the Registrar of Political Parties as provided for under section 33 of the Act;

"Registrar" means the Office of the Registrar of Political Parties established under section 33 of the Act;

"residential property" means a residential house, land, or an existing residential house whose improvement is under a loan from the Scheme which property must be a residential status as per the existing laws and for use as dwelling place for the applicant or his family;

"Scheme" means the Office of Registrar of Political Parties Staff Mortgage and Car Loan Scheme established under regulation 4;

"Service Provider" means a financial institution selected or appointed by the Committee under regulation 13;

"spouse" means the person declared by the member of staff in his/her employment records, a spouse; and

"valuer" means a person registered as a valuer under the Valuers Act (Cap. 532).

PART II – ESTABLISHMENT OF THE SCHEME**3. Application of the Regulations**

These Regulations shall apply to the Registrar of Political Parties, and members of staff of the Office of the Registrar of Political Parties.

[Subsidiary]**4. Establishment of the Scheme**

There is hereby established a Scheme to be known as the Office of Registrar of Political Parties Staff Mortgage and Car Loan Scheme (hereinafter referred to as the "Scheme" in these Regulations).

5. Objective of the Scheme

The objective of the Scheme shall be to provide a loan scheme for members of staff for—

- (a) purchase of an existing residential property;
- (b) purchase of land and construction of a residential property;
- (c) construction, renovation and improvement of an existing residential property;
- (d) takeover of loans on existing mortgages;
- (e) equity release;
- (f) purchase of cars; and
- (g) takeover of existing car loans.

6. Funds of the Scheme

(1) The initial capital of the Scheme shall be as per the funds allocated to the Office of the Registrar from the budget appropriated by National Assembly in the 2017/2018 financial year and such other funds as may be voted for the purposes of the Scheme in subsequent financial years.

(2) All the monies of the Scheme shall be paid into an account operated by the Liaison Office or a Service Provider appointed under these Regulations.

7. Establishment of the Committee

(1) There is established a Committee to be known as the Staff Mortgage and Car Loan Advisory Committee (hereinafter referred to as the "Committee" in these Regulations).

(2) The Registrar shall appoint members of the Committee which shall oversee the implementation and administration of the Scheme.

(3) The Committee shall comprise of seven (7) members of staff.

(4) The Registrar shall appoint from among the Committee membership, a chairperson, a vice chairperson and the secretary to the Committee.

(5) Members of the Committee shall nominate from amongst themselves a Liaison Office.

(6) The Liaison Office shall undertake the duties specified under regulation 11 in addition to liaison with the Service Provider.

8. Proceedings of the Committee

(1) The Committee shall meet at least once every month.

(2) The quorum for a meeting of the committee shall be fifty percent plus one.

(3) The chairperson shall convene and preside over meetings of the Committee:

Provided that in the absence of the chairperson, the vice chairperson shall preside over meetings of the Committee.

(4) The decision of the Committee shall be by simple majority and in the case of a tie, the chairperson shall have a casting vote.

(5) Unless otherwise as may be provided, the Committee shall regulate its own procedure.

9. Term of office for members of the Committee

(1) The members of the Committee shall serve on a renewable term of three (3) years.

(2) The Secretariat shall be a permanent member of the Committee.

10. Functions of the Committee

(1) The administration of the Scheme shall be by the Committee through a Liaison Office and a Service Provider.

(2) The functions and duties of the Committee shall be to—

- (a) select competitively the Service Provider for the administration of the Scheme on its behalf;
- (b) liaise with the Service Provider to set up a revolving fund for the disbursement of the loans;
- (c) supervise the day-to-day running of the Scheme;
- (d) forward the successful applications with recommendations to the Service Provider for approval;
- (e) process applications for loans in accordance with the existing terms and conditions of borrowing;
- (f) identify and credit valuation firms for the purpose of rendering valuation services; and
- (g) identify and credit law firms for the purpose of rendering legal services.

11. Duties of the Liaison Office

The Liaison Office shall—

- (a) open and manage a bank account for the Scheme;
- (b) supervise the administration of the Scheme;
- (c) cause to be kept books of account and other records in relation to the Scheme of all the loans financed from the Scheme;
- (d) furnish the Committee with a fund accountability statement on a quarterly basis;
- (e) furnish such information regarding the administration of the Scheme as may be required for examination and audit by the Auditor-General or under any law;
- (f) supervise disbursement of funds; and
- (g) carry out such inspections as may be necessary to verify any information submitted under these Regulations.

12. Secretariat to the Committee

The Secretariat of the Committee shall be drawn from the Human Resource Directorate and shall—

- (a) convene meetings of the Committee;
- (b) keep minutes of the Committee meetings;
- (c) receive and review applications for loans;
- (d) verify employee details/records and confirm employee status on the forms;
- (e) submit all loan applications to the Committee for consideration;
- (f) keep a database for all the applicants;
- (g) design and review internal loan application forms from time to time;
- (h) ensure that the application forms are accompanied by relevant documents;
- (i) effect loan deductions into the payroll;
- (j) ensure all loan deductions are effected within the two third (2/3) Rule, where the employee shall not commit more than 2/3 of his monthly basic salary; and
- (k) submit deductions posting lists to the Liaison Office.

[Subsidiary]**13. Selection of Service Provider**

The Committee shall use competitive criteria to select one or more service providers to administer the Scheme on its behalf.

14. Functions of the Service Provider

Where the Committee approves the appointment of a Service Provider to administer the Scheme, the Service Provider shall—

- (a) operate individual accounts for each borrower and provide details of recoveries of the loan;
- (b) charge security on property and cars acquired through loans from the Scheme to protect the interests of the Scheme and act as a custodian of such charges;
- (c) disburse payments of approved loans to borrowers after the necessary documentation is completed by the Committee;
- (d) pay all outgoing costs and issue demand notices to defaulting borrowers through the Liaison Office;
- (e) liaise with the Committee for purposes of effective administration of the Scheme;
- (f) upon repayment of the loan, interest and other outstanding expenses, discharge the charge and release the security documents to the borrower;
- (g) perform the necessary due diligence;
- (h) provide the borrower with a statement and a monthly report on the movement of the Scheme to the Committee;
- (i) keep safe custody of all original documents of ownership and give a copy to the Liaison Office;
- (j) perform such other duties as may be assigned to it from time to time by the Committee.

15. Eligibility for loans under the Scheme

(1) For a member of staff to qualify for a loan, such member of staff shall be required to be—

- (a) confirmed in employment; or
- (b) either on contract or on permanent and pensionable terms of service:

Provided that where a member of staff is on contract terms of service, the unexpired term of the contract shall not be less than twelve months.

(2) A member of staff shall benefit on their own right and which benefit shall not be limited to the benefit accrued by the spouse.

16. Procedure for application and approval of loans

(1) A member of staff who wishes to apply for a loan under the Scheme shall be required to make an application to the Committee accompanied by the relevant documents as prescribed by these Regulations.

(2) An application together with accompanying documents shall be deposited with the secretariat.

(3) Upon receiving an application for a loan by a member of staff, the Committee shall sit and determine the merits of such application.

(4) Prioritization of the loan shall be on "first come first served" basis where "first" means the first person who meets all the requirements.

(5) Once an application for a loan has been approved by the committee, the committee shall issue a recommendation letter to the applicant which shall be deposited with the Liaison Office or Service Provider together with other relevant documents for processing of the loan.

17. Interest payable on a loan

(1) The interest payable on a loan under these regulations shall be at the rate of three per centum (3%) per annum on a monthly reducing balance which shall be retained in the fund or such other rate as may from time to time be determined by the Cabinet Secretary in a *Gazette* Notice.

(2) The Committee or the Service Provider (where applicable), may charge administration fees of not more than three per centum (3%) of the value of the loan to cover its management costs.

(3) The interest charged under sub regulation (1) of this regulation shall be met by the borrower.

PART III – MORTGAGE LOAN FACILITY**18. Mortgage loan applications**

(1) A member of staff who wishes to apply for a mortgage loan from the Scheme shall make such application accompanied by the following documents, where applicable—

- (a) copies of designs by a registered architect of the proposed residential property duly approved by the County Authority within whose area it is to be situated;
- (b) bills of quantities in respect of the proposed development, renovation or repair;
- (c) an official search of the title to the land on which the property lies or is intended for construction;
- (d) a copy of the sale agreement relating the property or letter of offer;
- (e) approved architectural and structural plans; and
- (f) any other document that the Committee and Service Provider may require for the purpose of determining the application.

(2) The applicant shall bear the costs of stamp duty, transfer fees, legal fees and other related charges.

(3) The balance to the full value of the property, the stamp duty, the transfer fee and other related charges may be paid by the applicant into the fund account.

(4) The Committee may, where it deems appropriate, recommend the appointment of an advocate to act on its behalf in respect of transactions relating to the property under these Regulations.

19. Loan for development of residential property

(1) A loan for the development of residential property may be granted to a member of staff who is in possession of a title deed to the land on which the development is intended to be carried out provided that the title deed is held either individually or jointly with the spouse.

(2) A member of staff who wishes to apply for a loan for renovation and improvement of residential property, takeover loans or equity release, shall be required to provide any document needed by the Committee or the Service Provider.

(3) The first disbursement shall be based on twenty five per cent (25%) of the cost of construction:

Provided that the cost of construction shall not exceed the maximum funding due to the borrower under these Regulations or twice the open market value of the land on which the residential property is proposed to be constructed, whichever is less.

(4) A loan granted under these Regulations shall be funded at the rate of ninety per cent (90%) of the value of the property but shall not exceed the maximum loan threshold set out in the Schedule and shall be based on the applicant's ability to pay and repayment shall be by check off system.

[Subsidiary]

(5) The subsequent disbursements shall be based on the rate of completion of the various phases of development as certified by the Service Provider or a valuer, registered as such under the Valuers Act (Cap. 532), at the cost of the borrower.

20. Purchase of land

(1) Where the property intended to be purchased through a loan from the fund account is leasehold property, no loan shall be granted unless the expiry date of such lease is at least forty-five (45) years from the date the loan is granted.

(2) Where the applicant intends to purchase or acquire a property whose value exceeds the limits as set out in the Schedule, the excess shall be paid up before the disbursements.

21. Limits to mortgage loans

(1) The maximum loan disbursement to a member of staff shall be as outlined in the Schedule to these regulations and shall be subject to review from time to time.

(2) Loans granted shall be subject to the two third Rule, where the employee shall not commit more than two thirds of his monthly basic salary after the deduction of the mortgage loan.

(3) No borrower shall be eligible for more than one mortgage loan at a time:

Provided that the Committee shall determine the merit of an application for a second mortgage loan in the case of funds sought for improvement to a mortgaged property.

22. Repayment of mortgage loans

(1) A loan granted under this Part shall be repayable in monthly installments plus interest within a maximum period of 20 years.

(2) Where a public officer leaves public service employment for whatever reason other than disciplinary grounds, the terms of the loan remains in force and does not change for the life of the loan unless in cases of default in which case it reverts to commercial terms within three months of default.

(3) Where the borrower seeks to pay off part or whole of the principal loan before the end of the repayment period, such pay off shall be allowed with no extra fee or penalty charged.

23. Obligation of the mortgage loan borrowers

(1) Before and during the loan repayment period, the borrower shall—

- (a) not mortgage, charge, surrender the lease, or sell or agree to sell or part with possession of the charged property or any of part thereof without the prior written consent of the Committee;
- (b) meet and pay all rates, rents, stamp duty, legal fees, valuation costs, insurances and any other outgoings in respect of the property and send the proof of such payments to the Committee;
- (c) take out and maintain a mortgage protection policy and a fire policy with an insurance firm approved by the Service Provider, the cost of which shall be paid out of the Scheme and debited in the borrower's account;
- (d) ensure that the property is used for residential purposes only;
- (e) maintain the property in a satisfactory state of repair; and
- (f) not alter or make any structural alteration that may diminish the value of the property or the title thereto, as the case may be, without the approval of the Committee or the Service Provider.

(2) All residential properties purchased or developed through the Scheme shall be of such standards and constructed of permanent material.

24. Default of payment

Where a borrower defaults in the repayment of the loan the Committee shall authorize the Service Provider to sell the property in accordance with the law and the proceeds therefrom

shall be credited to the mortgagee account to defray the outstanding loan and any excess amount will be refunded to the mortgagor.

25. Responsibilities of the Service Provider

The responsibilities of the Service Provider (if any), appointed under these Regulations shall be to—

- (a) operate individual accounts for each borrower, which shall among others provide details of recoveries of the loan;
- (b) charge security on properties acquired through loans from the Scheme to protect the interest of the Scheme and act as custodian of such charges;
- (c) disburse payments for all approved loans to borrowers, after the necessary documentation is completed by the Committee;
- (d) pay all outgoings and issue demand notices where necessary to members of staff through the Liaison Office;
- (e) upon the loan, interest and other expenses repayment which may be outstanding, to discharge the charge and release the security documents to the borrower;
- (f) upon default, to call in the loan and on behalf of the office administering the Scheme sell the charged property by public auction or private treaty in which event the Scheme shall meet any shortfall between the loan outstanding and the proceeds of sale;
- (g) perform the necessary due diligence;
- (h) provide borrower statement and a monthly report on the movement of the Scheme to the Committee;
- (i) perform such other duties as may be assigned to it from time to time by the Committee.

26. Partnerships with the Service Provider

The Service Provider may enter into a viable financing or development partnership with a legal entity for the purposes of implementing the objectives of the Scheme.

PART IV – CAR LOAN FACILITY

27. Purpose of car loans

(1) A loan granted under this Part shall be solely for the purpose of purchase of a car for non-commercial use.

(2) A loan for the takeover of an existing car loan may be granted to a member of staff who is in possession of a vehicle log book to the car on which the existing car loan is intended to be taken over by the Scheme provided that the vehicle log book is held either individually or jointly with the spouse.

28. Maximum car loan disbursements

(1) The maximum car loan disbursements under this Part shall be as outlined in the Schedule to these Regulations and shall be subject to review from time to time.

(2) Loans granted will be subject to the two third Rule, where the employee shall not commit more than two thirds of his monthly basic salary after the deduction of the car loan.

(3) A car loan granted to a borrower under this Part shall be funded at the rate of one hundred percent of the value of the car or cost price whichever is lower, subject to the entitlement of the borrower.

(4) Where the member of staff intends to purchase or acquire a motor vehicle whose value exceeds the limits as set out in Schedule, the officer shall meet the difference before the disbursements.

[Subsidiary]**29. Car loan applications**

(1) An application for a car loan under these Regulations shall be accompanied by the following documents where appropriate—

- (a) a certified copy of the sale agreement relating to the car;
- (b) a certified copy of profoma invoice relating to the car;
- (c) a certified copy of the log book;
- (d) a valuation report on the car from Automobile Association of Kenya or any other accredited agency licensed to carry out such valuations.

(2) For the purposes of these Regulations, the value of a new vehicle shall be as quoted on the invoice from the supplier whereas the value of a used vehicle shall be as determined by a report from the valuer.

(3) For the purposes of these Regulations, vehicles that are more than eight years old from date of first registration shall not be subject to this loan.

(4) The applicant shall bear the cost of valuation, registration and other legal fees.

30. Procedure after approval of applications for car loan

(1) A car loan approved by the Committee under these Regulations shall be released from the Scheme in such manner, taking into account the security of the funds, as may be prescribed by the Committee.

(2) The log-book of a motor vehicle subject to a loan from the Scheme shall be issued jointly under the names of the Office of the Registrar of Political Parties and the member receiving the loan and shall be kept in the custody of the Service Provider and a copy to the Liaison Office until the loan is repaid in full by the member.

(3) The Service Provider shall issue a caveat prohibiting the transfer of the motor vehicle and shall notify the Registrar of Motor Vehicles accordingly.

(4) The Registrar of Motor Vehicles shall confirm in writing to the Service Provider, that a caveat issued under sub regulation (3) has been entered and noted in the appropriate motor vehicle file in the registry of the Registrar of Motor Vehicles.

31. Obligations of car loan borrowers

(1) The borrower under this Part shall—

- (a) not lease, sell or agree to sell or part with possession of the charged car or any part thereof without the prior written consent of the Committee;
- (b) meet and pay comprehensive insurance and any other outgoings in respect of the motor vehicle and send the proof of such payments to the Committee and the Service Provider;
- (c) maintain the motor vehicle in a serviceable condition; and
- (d) ensure that the motor vehicle is comprehensively insured during the term of the loan at the value certified by a registered valuer:

Provided that failure to comply with paragraph (d) shall be construed as default.

(2) A borrower shall not be eligible for more than one car loan.

32. Repayment of car loans

(1) A car loan advanced under these Regulations shall be repaid in full within a maximum repayment period of sixty (60) months calculable from the date of disbursement of the Car loan.

(2) No default in repayment shall be allowed by the Committee except in the event of force majeure in which case there shall be a grace period of not more than one month,

after which the car which is subject to the loan shall be repossessed and sold to recover the balance of the loan.

33. Power of the Committee, etc., in case of default or breach of agreement

(1) The Service Provider or Committee may call in the loan in default, sell the motor vehicle by public auction or private treaty where the borrower is in breach of the terms under the loan agreement.

(2) The sale of the vehicle shall not prevent the Committee or Service Provider from taking any other remedial action to recover any outstanding amount of the loan still owed by the borrower if that sale fails to raise the full outstanding balance:

Provided that the Committee shall ensure that the vehicle is sold in accordance with the law and any money realized in excess of the default sum shall be paid to the borrower.

PART V – MISCELLANEOUS PROVISIONS**34. Custody of documents**

The originals of all documents relating to property financed by a loan from the Scheme shall be kept in safe custody by the Service Provider and copies kept at the Liaison Office.

35. Interest accrued

The Committee shall provide guidelines on how to utilize the interest accruing thereto to defray operating expenses, and may impose any reasonable restriction or other requirements concerning such use.

36. Supplementary terms

These Regulations shall be supplemented by such terms as may, from time to time, be detailed in the application form developed and supplied by the Committee and in the contract between the Service Provider (if any), and the Committee.

37. Amendments to the Regulations

The Committee may from time to time recommend to the Registrar any amendments to these Regulations.

SCHEDULE

[r. 19(4), 28 (1)]

MAXIMUM LOAN THRESHOLD

Job Grade/Designation	Maximum Mortgage Loan(Ksh.)	Maximum Car Loan(Ksh.)
Registrar	25 Million	5 Million
Assistant Registrar and Directors	20 Million	4 Million
ORPP Grades 4, 5 and 6 (Managers Assistant. Managers, Senior Officers and Officers)	15 Million	3 Million
ORPP Grades 7 and 8 (Asst. Officers)	10 Million	1.5 Million
ORPP Grade 9 (Drivers)	6 Million	800,000
ORPP Grade 10 (Support Staff)	4 Million	600,000

THE POLITICAL PARTIES (FUNDING) REGULATIONS

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THE POLITICAL PARTIES (FUNDING) REGULATIONS

[Legal Notice 143 of 2019, Legal Notice 15 of 2020]

PART I – PRELIMINARY**1. Citation.**

These Regulations may be cited as the Political Parties (Funding) Regulations.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

"Act" means the Political Parties Act (Cap. 7D);

"accounting officer" means a person designated by the political party to be in charge of and responsible for financial accounts of the political party;

"financial year" means the period of twelve months ending on the thirtieth June each year;

"Fund" means the Political Parties Fund established under section 23 of the Act;

"Fund Account" means the account established under regulation 4;

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

"Registrar" means the Registrar of Political Parties appointed under section 33 of the Act; and

"work plan" in relation to a political party, means a schedule showing the activities a political party intends to undertake, their costs and time frame.

PART II – ADMINISTRATION AND MANAGEMENT**3. Management and control of the Fund.**

(1) The Registrar shall be responsible for the administration and management of the Fund and shall be responsible for—

- (a) the accounting of the receipts to the Fund;
- (b) the distribution of the Fund to political parties;
- (c) the monitoring and evaluation of expenditures of the Fund by political parties;
- (d) ensuring that proper books and records of income and expenditure of the Fund are kept;
- (e) ensuring the reporting and disclosure of all monies received by political parties; and
- (f) such other functions necessary for the effective implementation of the Act.

(2) The Registrar shall ensure that money held in the Fund, including any earnings or accruals, is spent only for the purposes for which the Fund is established.

(3) The accounts of the Fund shall be audited annually and filed with the Auditor General in accordance with the Public Audit Act (Cap. 412B) and any other law relating to the management of public funds.

4. Political Parties Fund Account.

(1) The Registrar shall open an account to be known as the Political Parties Fund Account at a bank designated by the National Treasury into which shall be paid—

- (a) the funds approved or appropriated by National Assembly in accordance with section 24 (1)(a) of the Act; and
- (b) contributions or donations from any other lawful source as contemplated under section 24 (1)(b) of the Act.

[Subsidiary]

(2) The Registrar shall declare in the annual report, all accruals, interest and liabilities related to the Fund.

5. Accounts of Political Parties.

(1) Every registered political party qualifying to receive monies from the Fund shall open a bank account into which only disbursements from the Registrar shall be paid.

(2) Every registered political party shall open a bank account or bank accounts into which all donations and contributions from lawful sources other than the Fund shall be paid.

(3) A political party may open other accounts and every account shall, for purposes of financial reporting, be considered to be part of the account referred to under sub-regulation (2).

(4) Every political party shall submit to the Registrar names of at least three officials authorised in the constitution or rules of the political party to sign bank accounts of the political party.

(5) The names under sub-regulation (4) shall be submitted in Form PPF1 set out in the First Schedule.

(6) At least three signatories shall be required for any withdrawal of funds from the bank account.

(7) A political party shall utilize the funds in sub-regulation (1) in accordance with the purposes set out in section 26(1) of the Act.

(8) A political party shall declare in the annual report, all accruals, interest and liabilities.

PART III – FUNDING OF POLITICAL PARTIES

6. Notification by the Registrar.

The Registrar shall within fourteen days upon receipt of monies into the Fund—

- (a) notify all fully registered political parties in writing;
- (b) require the eligible political parties to apply for monies from the Fund; and
- (c) publish a notice in the *Gazette* stating the political parties eligible to receive the Fund and their respective allocation.

7. Application for the Fund by Political Parties.

(1) A political party eligible for allocation of monies from the Fund shall make the application contemplated under regulation 6 (b) in Form PPF 2 set out in the First Schedule.

(2) An application under sub-regulation (1) shall include a work plan containing a schedule of the activities and a budget that the political party intends to undertake in that financial year, including an estimate cost and time frame for every activity.

(3) The activities contained in the work plan referred to in sub-regulation (2) shall conform to the requirements of section 26 of the Act.

8. Processing of applications.

Upon receipt of the application under regulation 7, the Registrar shall assess the application to ascertain whether the political party meets the requirements of the Act and in particular, whether—

- (a) the political party has, in its governing body, representation of special interest groups; and
- (b) all activities in the work plan relate and conform to the purposes for which the Fund should be used.

9. Decision by the Registrar.

(1) The Registrar shall within fourteen days of the application made under regulation 8, notify the political party of its decision in writing.

(2) Where the application under regulation 8 is—

- (a) approved, the Registrar shall notify the political party and effect the disbursement of the funds within fourteen days of such approval;
- (b) declined, the Registrar shall notify the political party giving reasons for the decision and recommendations.

(3) Where an application is declined under sub-regulation (2)(b), the political party may reapply taking into consideration the recommendations under sub-regulation (2)(b).

10. Allocation of funds and disbursement.

(1) In allocating the monies from the Fund, the Registrar shall in addition to the requirements under section 25 of the Act have regard to—

- (a) the approved work-plan of a political party; and
- (b) a clearance certificate from the Auditor General after auditing of funds of the previous financial year.

(2) Upon allocation of funds to a political party, the Registrar shall issue a confirmation letter of the disbursement of funds to the political party and require the political party to acknowledge receipt of the funds.

PART IV – ACCOUNTING AND REPORTING

11. Functions of accounting officer of a political party.

The accounting officer of a political party shall—

- (a) ensure that the political party complies with the Act and these Regulations;
- (b) ensure that the funds allocated to the political party are not used for a purpose not authorized by the Act or these Regulations;
- (c) be accountable to the Registrar for monies allocated to the political party; and
- (d) perform any other duties imposed by any other law or by these Regulations.

12. Annual accounts.

(1) The accounting officer shall keep separate books and records of accounts in respect of the funds of the political party and all transactions for each financial year.

(2) The accounting officer of a political party shall, within three months after the end of each financial year and in accordance with section 32 of the Act and any other law, cause to be prepared annual reports and accounts of the political party.

(3) The annual report and accounts prepared under sub-regulation (2) shall be in Form PPF 3 set out in the First Schedule and shall include—

- (a) an income and expenditure statement;
- (b) a statement of assets and liabilities;
- (c) a cash flow statement;
- (d) a summary of activities undertaken within the financial year; and
- (e) any other information as may be required by the Registrar.

13. Approval of accounts.

(1) The governing body of a political party shall be responsible for approving all reports and annual accounts of the political party.

(2) The internal auditor of the political party shall express an opinion, in writing, on the accounts based on the results of each audit stating whether—

- (a) all information and explanations considered necessary for the audit were received;
- (b) proper records were maintained of all transactions as required under the generally accepted accounting practices;
- (c) the accounts are in agreement with the records referred to under paragraph (b);

[Subsidiary]

- (d) the accounts reflected fairly the financial position of the political party; and
- (e) there are any recommendations by the auditor.

14. Auditing of Reports and accounts by Auditor General.

(1) Subject to section 31(2) of the Act, the accounting officer shall concurrently submit the reports and accounts of the political party to the Registrar and the Auditor-General.

(2) The Registrar shall implement any recommendations of the Auditor-General made pursuant to section 31(3) of the Act.

15. Publication of reports by the Registrar.

The Registrar may—

- (a) publish reports submitted by political parties;
- (b) determine the manner and form of publishing such reports.

16. Inspection of Audited Accounts.

Any person shall be entitled to inspect the audited accounts filed by a political party pursuant to section 31 (5) of the Act, and upon payment of the fee set out in the Second Schedule by the Registrar be issued copies of the audited accounts.

PART V – GENERAL PROVISIONS

17. Declaration before elections.

Subject to section 30(1) of the Act, the accounting officer shall submit to the Registrar a statement of its assets and liabilities in Form PPF4 set out in the First Schedule.

18. *Revoked by LN 15 of 2019, r. 2.***19. Administrative and staff expenses.**

For purposes of section 26 (1)(f) of the Act, administrative and staff expenses includes the payment of—

- (a) office rent and stationery;
- (b) office equipment;
- (c) property rates;
- (d) utility bills;
- (e) postage and other forms of communication expenses; and
- (f) staff salaries.

20. Revocation of LN. 169 of 2009

The Political Parties (Funding) Regulations, 2009 are revoked.

FIRST SCHEDULE

FORMS

FORM PPF 1 (r. 5(5))
 DECLARATION OF SIGNATORIES TO POLITICAL PARTIES FUND ACCOUNT
 AND OTHER ACCOUNTS

Name of Political Party:

Full Name of Bank

Account Number

Address

Town/Branch

Name of Signatories	Designation	ID. No.	Specimen Signature
----------------------------	--------------------	----------------	---------------------------

This declaration is made to the best of our knowledge, information and belief.

Made this day of 20.....

Name and signatures of three political party officials

1. Name.....

Signature

ID/Passport No.

2. Name.....

Signature

ID/Passport No.

3. Name.....

Signature

ID/Passport No.

In the presence of a

Commissioner for Oaths/Magistrate

FORM PPF 2

(r. 7 (1))

APPLICATION FOR FUNDING OF A POLITICAL PARTY

A. Political Party Information:

1. Date of application:

2. Name of Political Party:

3. Registration No.:

4. Physical Address:

5. Postal Address:

6. Tel No.:Fax:

7. Website URL: Email

B. Contact Information:

(Please provide contact information of person responsible for programme/project)

Name:

Designation:

Tel No.:Fax:

Email:.....

C. Bank account details

Name of Bank:

Bank Account :

Bank Account Name:

Branch:

Political Parties

[Subsidiary]

D. Expenditure Information:

1. Please list the project's budget expense items to be supported by this fund:

	Type of Expense	Amount
A	Promoting representation of special interest groups.	
B-C-D	Promoting active participation by citizens in political life and civic education. Broadcasting policies and shaping public opinion.	
E	Electoral expenses. Administration	
	TOTAL	

E. Workplan Template

	Activities	Amount	Total
A	Promoting representation of special interest groups (not less than 30% of the allocation from the Fund)		Subtotal
B	Promoting active participation by citizens in political life and civic education		Subtotal
C	Broadcasting policies and shaping public opinion		Subtotal
D	Electoral expenses		Subtotal
E	Administration (not more than 30% of the allocation from the Fund)		Subtotal
			TOTAL

*Attach any other supporting documentation.

This declaration is made to the best of our knowledge, information and belief.

Made this..... day of 20.....

Names and signatures of three authorized political party officials:

1. Name
Signature
ID/Passport No.
2. Name
Signature
ID/Passport No.
Name.....
3. Name
Signature
ID/Passport No.

In the presence of a

Commissioner for Oaths/Magistrate

FORM PPF 3

(r. 12(3))

DECLARATION OF ASSETS AND LIABILITIES OF A POLITICAL PARTY

NAME OF POLITICAL PARTY CERT. NO.

PART 1: STATEMENT OF ASSETS AND LIABILITIES AS OF

CURRENT ASSETS

Cash on Hand
Cash on Deposit
Accounts Receivable
Bonds, Stocks, Other Investments
Inventory
Other (Describe)

TOTAL CURRENT ASSETS

FIXED ASSETS

Investments
Furniture and Fixtures
Office Equipment
Land and Buildings
Others (Describe)

TOTAL FIXED ASSETS
TOTAL ASSETS

A

CURRENT LIABILITIES

Accounts Payable
Wages, Salaries Payable
Short Term Loans Payable
Others (Describe)

TOTAL CURRENT LIABILITIES

Political Parties

[Subsidiary]

LONG TERM LIABILITIES

Loans Payable		
Others (Describe)		
TOTAL LONG TERM LIABILITIES		B
TOTAL LIABILITIES		C
SURPLUS/DEFICIT (A-C)		

PART 2: STATEMENT OF INCOME AND EXPENDITURE
INCOME

Political Parties Fund		
Membership Fees		
Dividends on Shares		
Rent Received		
Profit on Sale of Assets		
Others (Describe)		
TOTAL INCOME		A

EXPENDITURE

	From Political Parties Fund	From Other Sources	
Salaries			
Rent Paid			
Transport			
Electricity Bill			
Other Administrative expenses			
TOTAL EXPENDITURE			B
SURPLUS/DEFICIT (A-B)			C

PART 3 - Reporting of activities implemented with the money allocated from the Fund.

	ACTIVITIES	AMOUNT	TOTAL
A.	Promoting representation of special interest groups (not less than 30% of the allocation from the Fund)		Subtotal
B.	Promoting active participation by citizens in political life and civic education		Subtotal
C.	Broadcasting policies and		Subtotal

Political Parties

[Subsidiary]

	shaping public opinion	
D.	Electoral expenses	Subtotal
E.	Administration (not more than 30% of the allocation from the Fund)	Subtotal
		TOTAL

Attach:

- (a) a cash flow statement; and
 (b) a summary of activities undertaken within the financial year.

This declaration is made to the best of our knowledge, information and belief.

Made this day of..... 20

Name and signature of three political party officials.

1. Name

Signature

ID/Passport No.

2. Name

Signature

ID/Passport No.

3. Name

Signature

ID/Passport No.

In the presence of a

Commissioner for Oaths/Magistrate

FORM PPF 4

(r. 17)

DECLARATION OF ASSETS AND LIABILITIES OF A POLITICAL PARTY**NAME OF POLITICAL PARTY CERT. NO.****STATEMENT OF ASSETS AND LIABILITIES AS OF****(This date being sixty days before date of election)**

Political Parties

[Subsidiary]

CURRENT ASSETS

Cash on Hand

Cash on Deposit

Accounts Receivable

Bonds, Stocks, Other Investments

Inventory

Other (Describe)

TOTAL CURRENT ASSETS	

FIXED ASSETS

Investments

Furniture and Fixtures

Office Equipment

Land and Buildings

Others (Describe)

TOTAL FIXED ASSETS	
TOTAL ASSETS	

A

CURRENT LIABILITIES

Accounts Payable

Wages, Salaries Payable

Short Term Loans Payable

Others (Describe)

TOTAL CURRENT LIABILITIES	

A

LONG TERM LIABILITIES

Loans Payable

Others (Describe)

TOTAL LONG TERM LIABILITIES	
TOTAL LIABILITIES	
SURPLUS/DEFICIT (A-C)	

B

C

STATEMENT OF INCOME AND EXPENDITURE

INCOME

Membership Fees

Dividends on Shares

Rent Received

Profit on Sale of Assets

Others (Describe)

TOTAL INCOME	

A

Political Parties

[Subsidiary]

EXPENDITURE

Salaries

Rent Paid

Transport

Electricity Bill

Stationery, Printing,

Photocopying

Others (Describe)

TOTAL EXPENDITURE	B
SURPLUS/DEFICIT (A-B)	C

This declaration is made to the best of our knowledge, information and belief.

Made this day of 20

Name and signature of three political party officials.

1. Name
Signature
ID/Passport No.
2. Name
Signature
ID/Passport No.
3. Name
Signature
ID/Passport No.

In the presence of a

Commissioner for Oaths/Magistrate

SECOND SCHEDULE

[r.16]

FEES

1. Application for official search 500
2. Inspection/perusal 500

THE POLITICAL PARTIES (REGISTRATION) REGULATIONS

ARRANGEMENT OF REGULATIONS

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1. Citation.
2. Interpretation.

PART II – REGISTRATION OF A POLITICAL PARTY

3. Application for provisional registration of a political party.
4. Application for full registration of a political party.
5. Notice of change of office holders.
6. Notice of change of location of head office, postal address, etc.
7. Notification of changes, alterations in name, colour, symbol, constitution of political party.
8. Approval of change.
9. Register of political parties.
10. Correction of information.
11. Removal of particulars of a political party from the register.
12. Designation of signatories.
13. Declaration after full registration of a political party.
14. Notices by Registrar to be sent by registered post, physical address or official e-mail address.
15. Notification of suspension of a party.
16. Deregistration of a political party.

PART III – OFFICES OF POLITICAL PARTY

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PART V – POLITICAL PARTY MERGERS

24. Merger by forming a new political party.
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26. Merger by merging into an already registered political party.
27. Scrutiny by the Registrar of mergers into an already existing political party.
28. Effect of merger of political parties.
29. Revocation of L.N. 111/2008.

SCHEDULES

FIRST SCHEDULE —
FEES

FORMS

THE POLITICAL PARTIES (REGISTRATION) REGULATIONS

[Legal Notice 141 of 2019]

PART I – PRELIMINARY**1. Citation.**

These Regulations may be cited as the Political Parties (Registration) Regulations.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

"Act" means the Political Parties Act (Cap. 7D);

"founding members of a political party" means the persons who form a political party and who have contributed or offered to contribute either in cash or in kind to the initial assets of the party in respect of the first year of its existence;

"governing body" means the committee responsible for administering the affairs of a political party;

"office holder" in relation to a political party means any person who is elected by the members of the political party to hold office and is registered with the Registrar of Political Parties;

"Registrar" means the Registrar of political parties appointed under section 33 of the Act;

"register" means the register of particulars of political parties kept by the Registrar under section 34 of the Act; and

"registered political party" means a political party that is fully registered under the Act.

PART II – REGISTRATION OF A POLITICAL PARTY**3. Application for provisional registration of a political party.**

(1) An application for provisional registration of a proposed political party in accordance with section 6 of the Act shall be submitted to the Registrar in duplicate in Form PP1 set out in the First Schedule together with—

- (a) two copies of the constitution and rules of a political party; and
- (b) a declaration in support of the application in Form PP 2 set out in the First Schedule.

(2) An application under sub regulation (1) shall be signed by three of the founding members of the proposed political party who shall attach certified copies of their National Identity cards or valid Kenyan Passport to the application.

(3) Where the Registrar is satisfied that the conditions for provisional registration have been fulfilled, the Registrar shall, within thirty days of the decision and upon payment of the fee set out in the Second Schedule, issue a certificate of provisional registration.

(4) Where the Registrar is not satisfied that the conditions for provisional registration have been fulfilled, the Registrar shall within thirty days of the decision, notify the political party giving reasons for the decision and recommendations.

(5) A request for the registration of the colours of the proposed political party under section 5 (2) of the Act shall specify a combination of at least three colours.

(6) A political party may, upon registration of the colours and symbol under sub regulation (5), print or display such colours and symbol.

(7) The certificate of provisional registration of a political party shall be in Form PP3 set out in the First Schedule.

[Subsidiary]**4. Application for full registration of a political party.**

(1) An application for full registration of a political party in accordance with section 7 of the Act shall be in duplicate, in Form PP 4 set out in the First Schedule and shall be submitted to the Registrar together with a declaration in Form PP 5 set out in the First Schedule.

(2) When making the application under sub regulation (1) the applicants shall surrender the certificate of provisional registration to the Registrar.

(3) If for any reason the certificate of provisional registration cannot be surrendered as required under sub regulation (2), the political party shall submit an affidavit and a police abstract explaining the circumstances of its unavailability and the Registrar shall, if satisfied by the reasons, file the documents and cancel the provisional certificate.

(4) The Registrar, on receipt of an application under sub regulation (1), if satisfied that the conditions for full registration have been fulfilled, shall within thirty days of such receipt issue a certificate of full registration upon payment of the fees set out in the Second Schedule.

(5) Where the Registrar is not satisfied that the conditions for full registration have been fulfilled, the Registrar shall within thirty days of the decision, notify the political party giving reasons for the decision and recommendations.

(6) The certificate of full registration of a political party shall be in Form PP6 set out in the First Schedule.

5. Notice of change of office holders.

(1) Where the office holder of a registered political party ceases to hold office, and another person is elected to that office, the political party shall, within fourteen days of the appointment, send notice thereof to the Registrar.

(2) The notice under sub regulation (1) shall be submitted in duplicate in Form PP7 set out in the First Schedule.

6. Notice of change of location of head office, postal address, etc.

(1) Where a registered political party changes the location of its head office or county office, the postal address, email address or telephone numbers of its head office or county office, the political party shall, within fourteen days of such change, send notice thereof to the Registrar.

(2) The notice of change of location under sub regulation (1) shall be submitted in duplicate in Form PP8 set out in the First Schedule.

(3) A notice of change of postal address, email address or telephone number shall be submitted in duplicate in Form PP9 set out in the First Schedule.

7. Notification of changes, alterations in name, colour, symbol, constitution of political party.

(1) A notification by a registered political party of its intention to change its name, abbreviation of the name, colour or symbol shall be submitted to the Registrar in duplicate in Form PP 10 set out in the First Schedule, and the Registrar shall, in writing, notify the applicant of the decision thereon.

(2) A notification by a registered political party of its intention to change any of the provisions of its constitution or rules shall be submitted to the Registrar in duplicate in Form PP 11 set out in the First Schedule.

(3) The Registrar may refuse, to effect a change under this regulation, if dissatisfied and shall notify the political party concerned of the reasons for the refusal and shall give the political party an opportunity to submit reasons, if any, why the application should be granted.

(4) If within two weeks of receiving the notification from the Registrar under sub regulation (3), the political party fails to submit reasons why the Registrar should effect the proposed changes, the Registrar shall dispense with the application made by that political party to effect changes under this regulation.

(5) Where the name of a registered political party is changed, the Registrar shall issue a new certificate of registration upon the original certificate being surrendered by the political party to the Registrar, unless its absence is accounted for to the satisfaction of the Registrar by way of an affidavit and a police abstract.

8. Approval of change.

A notification to the Registrar under regulations 5, 6 and 7 shall be accompanied by a copy of the minutes of the meeting of the governing body at which the resolution to effect the change was passed, certified as a true copy and signed by three authorised officials of the political party.

9. Register of political parties.

(1) The register of political parties required to be kept by the Registrar under section 34(e) of the Act shall be in Form PP 12 set out in the First Schedule.

(2) The register of political parties shall include the following information relating to each political party—

- (a) a duplicate copy of the registration certificate of the political party;
- (b) a copy of the constitution of the political party;
- (c) a status report of the political party indicating whether the political party is active, suspended or deregistered;
- (d) an accurate and updated list of offices of the political party;
- (e) an accurate and updated list of members of the political party;
- (f) an accurate and updated list of the political party officials including their full names, addresses, telephone numbers and email addresses;
- (g) the election rules of the political party;
- (h) the nomination rules of the political party; and
- (i) any other particulars which the Registrar may, from time to time, determine.

(3) The Registrar shall record in the register all, changes of the name, abbreviation of the name, symbol or colour of the political party and any other particulars.

(4) Any person may inspect the register and any other document lodged with the Registrar relating to a political party pursuant to the Act, and may, on payment of the fee set out in Second Schedule, obtain a copy of any document from the Registrar.

10. Correction of information.

(1) The Registrar or a person authorised by the Registrar, may correct any clerical error or omission in the register or in a certificate issued to a political party.

(2) The signature of the Registrar or authorised person and the date of the correction shall be inserted against the correction.

(3) A correction of an error or omission under sub regulation (1) shall be made without rendering what was written illegible and without erasing the original entry.

(4) If the Registrar determines that any information required to be included in the register is missing, the Registrar shall notify the political party to furnish such information within fourteen days of such notification.

(5) Where after fourteen days the required information under sub regulation (4) is not furnished, the Registrar may suspend any service to the political party until the information is furnished.

11. Removal of particulars of a political party from the register.

(1) The Registrar may remove the name and particulars of a political party from the register in case of—

[Subsidiary]

- (a) a provisionally registered political party which has not applied for full registration within one hundred and eighty days from the date of issue of the certificate of provisional registration;
- (b) deregistration of the political party as per section 21 of the Act; or
- (c) mergers as per section 11 of the Act.

(2) Where the name, symbol and colours of a political party have been removed from the register under sub regulation (1) (c), the Registrar shall not register a political party with the same or a similar name, symbol, or colours for a period of five years.

12. Designation of signatories.

Every political party shall within fourteen days of full registration file in Form PP 13 set out in the First Schedule the names and specimen signatures of party officials authorized in its constitution to sign—

- (a) documents presented to the Registrar, including membership register, coalition agreements, mergers, and other reports to the Registrar;
- (b) documents presented to the Registrar for changes of name;
- (c) constitution, rules, symbol and colour of the political party;
- (d) the bank statements of the political party;
- (e) the audited annual accounts and financial statements of the political party;
- (f) any report or document of the political party required under the Act or any other written law;
- (g) the nomination certificates for any nomination for general and by-elections;
- (h) the return on elections of the political party officials; and
- (i) any document required to be signed by the political party.

13. Declaration after full registration of a political party.

The declaration required under section 16 of the Act shall—

- (a) be in Form PP14 set out in the First Schedule;
- (b) state the sources of all funds;
- (c) assets and liabilities of the political party; and
- (d) income and expenditure.

14. Notices by Registrar to be sent by registered post, physical address or official e-mail address.

Any notice which the Registrar is required to give to any political party shall be deemed to have been given to the political party if the notice—

- (a) is sent by registered post;
- (b) is delivered to the registered physical address; or
- (c) is sent to the official e-mail address.

15. Notification of suspension of a party.

Where a political party is suspended under section 21(3) of the Act, the Registrar shall notify the political party in Form PP 15 set out in the First Schedule.

16. Deregistration of a political party.

(1) Where the Registrar intends to deregister a political party under section 21 of the Act, the Registrar shall notify the political party in Form PP 16 set out in the First Schedule.

(2) Where a political party does not comply with the notice issued under sub regulation (1), the Registrar shall de register the political party within fourteen days of the expiry of the notice.

(3) The Registrar shall, within fourteen days of deregistration of a political party, issue a notice in Form PP 17 set out in the First Schedule and cause a notice of the deregistration to be published in the *Gazette*.

PART III – OFFICES OF POLITICAL PARTY

17. Requirement to maintain a functioning office.

Every political party shall maintain offices in accordance with section 7(2)(f)(ii) and (iii) of the Act and the offices shall—

- (a) be open and manned by employees during working hours;
- (b) be accessible to the public; and
- (c) have signage and branding.

18. Location of party offices.

(1) The office of a political party shall be a public office, open for inspection by the Registrar and shall not be located in—

- (a) a house concurrently used as a residence by any person;
- (b) a public officers' place of work; or
- (c) any place that is restrictive to any section of the general public.

(2) Where the office of the political party is—

- (a) rented, details of the lease agreement shall be maintained in the office; and
- (b) provided as support to the political party, the agreement to that effect shall be maintained in the office and be available for inspection.

19. Documents to be kept in political party offices.

A political party shall maintain at its offices, all the documents required under section 17 of the Act.

20. Notification of closure of office.

If any political party office is closed or ceases to function, the political party shall notify the Registrar of the fact in Form PP18 set out in the First Schedule.

PART IV – POLITICAL PARTY COALITIONS

21. Formation of coalitions.

(1) Political parties which have agreed to form a coalition shall deposit the coalition agreement with the Registrar, together with Form PP 19 set out in the First Schedule, accompanied by—

- (a) a declaration showing that the rules and procedures of the political parties entering into the coalition relating to the formation of the coalition have been followed; and
- (b) minutes of the meeting of the governing bodies of each of the political parties entering into the coalition, sanctioning the coalition.

(2) Upon receiving the coalition agreement and the documents specified in sub regulation (1), the Registrar shall scrutinize the documents deposited and if satisfied that the coalition agreement is in accordance with the Act and the party constitution or rules, issue a letter confirming that the coalition has complied with the Act and the party constitution or rules, within five working days of receipt of the documents.

(3) Upon issuing the letter of confirmation of a coalition under sub regulation (2), the Registrar shall publish a notice in at least two newspapers with national circulation stating the name of the coalition and the political parties that are members of the coalition.

(4) Where the Registrar is not satisfied that the coalition agreement is in accordance with the Act and the rules and the constitution or rules of the Political Parties entering into

[Subsidiary]

the coalition, the Registrar shall request for additional information to be submitted within seven working days of the request.

(5) Where the political parties entering a coalition do not submit the information requested by the Registrar under sub regulation (4), the Registrar shall not issue a letter of confirmation and shall inform the political parties that are proposed members of the coalition of the decision within two days of the lapse of the period specified in sub regulation (4).

22. Dissolution of coalition.

(1) Where a coalition is dissolved in accordance with the coalition agreement, the decision to dissolve the coalition shall be in writing and shall be—

- (a) accompanied by signed minutes containing the resolution of the governing body of the political party;
- (b) signed by authorised officials of the political party; and
- (c) submitted to the Registrar within two weeks after the date of the decision.

(2) If a coalition is dissolved in accordance with subregulation (1), the Registrar shall publish a notice of the dissolution in at least two newspapers with national circulation.

23. Amendment of coalition agreements.

The coalition agreements deposited under regulation 21 may be amended in accordance with the coalition agreement.

PART V – POLITICAL PARTY MERGERS

24. Merger by forming a new political party.

(1) Political parties entering into a merger by forming a new political party shall deposit the merger agreement with the Registrar together with—

- (a) Form PP20 set out in the First Schedule;
- (b) documentation showing that the rules and procedures of each of the political parties entering into the merger relating to the formation of the merger have been followed;
- (c) minutes of the meeting of the governing bodies of each of the political parties entering into the merger sanctioning the merger;
- (d) certificates of full registration for the merging parties;
- (e) constitution, rules and regulations of the new political party;
- (f) name, symbol, and colours of the new political party;
- (g) particulars of members of the governing body of the new political party; and
- (h) list of location and address of new party head and county offices.

(2) A merger agreement shall set out the matters specified in Form PP 20 set out in the First Schedule.

25. Scrutiny by the Registrar of mergers to form a new party.

(1) Where the Registrar is satisfied that the documents under regulation 24 are in accordance with the provisions of the Act the Registrar shall—

- (a) immediately withdraw and cancel the certificates of registration of all the political parties that have merged;
- (b) *gazette* the dissolution of the merged parties; and
- (c) within seven days issue a certificate of full registration to the new political party.

(2) The *gazette* notice to be issued under subregulation 1(b) shall contain—

- (a) the names of the merging parties;
- (b) the name, symbol, and colours of the new political party;
- (c) particulars of members of the governing body of the new political party; and

- (d) list of location and address of new party head office.

26. Merger by merging into an already registered political party.

(1) Political parties entering into a merger by merging into an already registered political party shall deposit the merger agreement with the Registrar together with—

- (a) Form PP 21 set out in the First Schedule;
- (b) documentation showing that the rules and procedures of each of the political parties entering into the merger relating to the formation of the merger have been followed;
- (c) minutes of the meeting of the governing bodies of each of the political parties entering into the merger sanctioning the merger;
- (d) certificates of full registration for the parties that have resolved to dissolve;
- (e) constitution, rules and regulations of the merged political party;
- (f) name, symbol, and colours of the merged political party;
- (g) particulars of members of the governing body of the merged political party; and
- (h) list of location and address of party head and county offices of the merged political party.

(2) A merger agreement shall set out the matters specified in Form PP21 set out in the First Schedule.

27. Scrutiny by the Registrar of mergers into an already existing political party.

(1) Where the Registrar is satisfied that the documents submitted under regulation 26 are in accordance with the provisions of the Act the Registrar shall—

- (a) immediately withdraw and cancel the certificates of registration of all the political parties that have resolved to dissolve; and
- (b) within seven days *gazette* the dissolution of the parties that have resolved to dissolve and the merged party.

(2) The *Gazette* Notice to be issued under subregulation 1(b) shall contain—

- (a) the names of the parties that have resolved to dissolve; and
- (b) the name, symbol, and colours of the merged political party.

28. Effect of merger of political parties.

Where political parties merge in accordance with the Act and these Regulations, the Registrar shall, within forty five days of the publication of the *Gazette* Notice, remove the particulars of the dissolved political parties from the register including their names, symbols, and colours.

29. Revocation of L.N. 111/2008.

The Political Parties (Registration) Regulations (L.N. 111/2008) are revoked.

FIRST SCHEDULE

FORMS

FORM PP 1

(r. 3 (1)(a))

APPLICATION FOR PROVISIONAL REGISTRATION OF A POLITICAL PARTY

Application is hereby made for provisional registration of

(Name of political party) (Hereinafter called "the party") under the Political Parties Act, (Cap. 7D).

Political Parties

[Subsidiary]

1. The Head office of the party is situated at
2. The postal address of the party is
3. The titles, names, postal addresses and telephone number of the founder members
 Title
 Name
 Postal Address
 Telephone Number
4. The abbreviation of the proposed party is
5. We annex hereto marked "A" two true copies of the constitution and rules of the party and the proposed emblem. Provision has been made in the constitution of the political party for the matters specified in the Second Schedule to the Act.

***Matters to be set forth in Number of the rule
the constitution or rules under which provision is
made for each matter***

1. The name of the party and any abbreviation (if used).
2. The symbol of the political party and party colours.
3. The objects of the political party.
4. Clearly defined vision, mission, guiding principles and values
5. The physical and postal address of the registered office of the party.
6. Membership requirements including;
 - the eligibility criteria;
 - subscription fees for joining the party and for being a member of the party;
 - the criteria for resignation from party membership or ceasing to be a member; and
 - the rights and duties of members of the party;
 - membership details to be contained in the register including identification details, region, ethnicity, disability, gender and county;
 - the procedure for conducting the annual general meeting or the other general meetings

of the political party,
including matters which
may only be decided upon
by a meeting of the party
members or, as the case
may be, of the county
representatives of the
party;

- the continuous updating
of the membership
register.

7.

Governing body
requirements including;

- the name of the
governing body
- the eligibility criteria for
election to the governing
body;
- the positions, titles and
term of office;
- the rights and duties of
members of the governing
body;
- the procedure for the
election of members of the
governing body and other
party organs, including
committees;
- guidelines for the
operations of the
governing body and its
committees;
- quorum;
- frequency of meetings;
- decision making powers;

and

- guidelines for meetings:
procedures of convening
meetings; procedure of
meetings and the official
recording of resolutions
passed at meetings.

8.

A list of party
management structure
of the political party
and systems to be
documented at the party
offices including—

- the employee details and
terms of employment;

Political Parties

[Subsidiary]

- the party human resource, financial and audit and administration and management policies and procedures; and
 - the party sub- branches within each county.
9. The forming of party branches, including in the diaspora, and their roles and responsibilities.
10. The financial structure and system including—
- the roles and responsibilities of individual party officials, organs and governing bodies with regard to the finances of the political party;
 - the periodical audit of accounts of the political party; and
 - the purposes for which the funds may be used, and in particular the prohibition against the distribution of funds among members.
11. The general organisation structure and management of the party, including the county structures and systems and county governing bodies.
12. The establishment and management of National Assembly, Senate and County Assemblies Caucuses.
13. The disciplinary measures against a member or official of a political party including—
- the methods and procedure of disciplinary action in accordance with Article 47 and 50 of the Constitution;

- possible disciplinary actions and reasons;
 - criteria for various disciplinary actions; and
 - consequences of each action for the national and county levels.
14. The right to inspect the books or list of members of the political party by a member of the party or a member of the public.
15. The officials of the party authorized to sign on behalf of the party—
- (a) documents presented to the registrar including membership register, mergers, coalitions and other reports to the registrar;
 - (b) the accounts of the party;
 - (c) the annual report of the party;
 - (d) the financial reports of the party;
 - (e) any report or document of the party required under this Act or any other written law;
 - (f) the nomination certificates for any nomination or election of a member of the political party;
16. The policy documents which the party will develop and on which the party will perform including the manner and procedures in which they will be developed, approved and implemented.
17. The policy reporting documents and their regularity which the party will produce including the manner and the procedures in which

Political Parties

[Subsidiary]

- they will be developed, approved and publicized
18. Asset management policies and procedures, the custody and investment of the funds and property of the party, and the designation of the persons responsible for them
19. The political party rules and regulations with respect to—
 (a) elections of the party officials;
 (b) nomination of candidates for elections; and
 Nomination of candidates to political party lists
20. Provisions for the amendment of the name, symbol, party colours, constitution, and rules of the party.
21. Rules for mergers and coalitions including—
 • the circumstances and criteria for mergers and coalitions; and
 • the procedure and guidelines for such mergers and coalitions as approved by an annual general meeting of the political party.
22. Provisions on dissolution of the party, including—
 • provisions on the disposal of the property of the political party; and
 • the manner of and procedures to be followed for the dissolution of the party or any branch of the Party—
23. Internal party dispute resolution mechanism in accordance with Article 47 and 50 of the Constitution.

24. Democratic practices that cover gender, affirmative action for minorities and marginalized groups.
25. Reflect democratic practices covering human rights and gender.
26. The manner of implementing national values and principles of governance as provided in the Constitution.

6. We annex hereto marked "B" a declaration in Form PP.2 in support of this application.

FORM PP 2

(r. 3(1)(b))

DECLARATION IN SUPPORT OF AN APPLICATION FOR PROVISIONAL REGISTRATION OF A POLITICAL PARTY

We, the founding members, whose signatures are subscribed hereto, do hereby solemnly declare as follows—

1. That the constitution or policy of our party—

- (a) does not advocate or further the interests of—
 - (i) any religious belief or group; or
 - (ii) only a particular area within Kenya;
- (b) does not accept or advocate the use of force or violence as a means of attaining its political objectives; and
- (c) does not advocate or aim to carry on its political objectives exclusively in one part of Kenya.

2. That the party will carry out periodic and democratic elections of its leadership as provided in the constitution submitted with the application for provisional registration.

This declaration is made to the best of our knowledge, information and belief.

Made this day of 20

Names and signatures of three founding members

1. Name

Signature

ID/ Passport No.

2. Name

Signature.....

ID/ Passport No.

3. Name

Signature

ID/Passport No.

In the presence of a Commissioner for Oaths/Magistrate

FORM PP 3

(r. 3 (7))

Political Parties

[Subsidiary]

Serial No.

CERTIFICATE OF PROVISIONAL REGISTRATION OF A POLITICAL PARTY

I hereby certify that has this day been provisionally registered as a political party under the Political Parties Act (Cap. 7D)

Dated this day of 20

This certificate is valid for one hundred and eighty days from the date of issue.

REGISTRAR OF POLITICAL PARTIES

Official Stamp

FORM PP 4

(r. 4 (1))

APPLICATION FOR FULL REGISTRATION OF A POLITICAL PARTY

PART I - Application is hereby made for full registration of (Name of the party) as a political party under the Political Parties Act (Cap. 7D).

1. The political party has been provisionally registered under Certificate of Provisional Registration No. which is annexed hereto, marked "A".

2. The party has fulfilled all the conditions with regard to—

- (a) obtaining not less than one thousand members who are registered as voters from each of more than half of the counties;
- (b) ensuring the members referred to in paragraph (a) reflect regional and ethnic diversity, gender balance and representation of special interest groups;
- (c) ensuring the composition of its governing body reflects regional and ethnic diversity, gender balance and representation of special interest groups;
- (d) ensuring that not more than two-thirds of the members of its governing body are of the same gender;
- (e) having demonstrated that members of its governing body meet the requirements of Chapter Six of the Constitution and the laws relating to ethics;
- (f) the location of its head office, which shall be a registered office within Kenya and a postal address to which notices and other communication may be sent, as stated in our declaration in Form PP.5 which is annexed hereto, marked "B";
- (g) the location and addresses of the branch offices of the political party, which shall be in more than half of the counties, as stated in our declaration in Form PP.5 which is annexed hereto;
- (h) submitting an undertaking to be bound by the Act and the Code of Conduct which is annexed hereto;
- (i) the nomination and disposition of the party leadership, as stated in our declaration in Form PP 5 which is annexed hereto; and
- (j) we annex hereto, two true copies of the constitution and rules of the party;

Dated this day of 20

Names and signatures of three officials:

1. Name

Signature

ID/Passport No.

2. Name

Political Parties

[Subsidiary]

Signature

ID/Passport No.

3. Name.....

Signature

ID/Passport No.

In the presence of:

Commissioner for Oaths/Magistrate

FORM PP 5

(r. 4(1))

DECLARATION IN SUPPORT OF AN APPLICATION FOR FULL
REGISTRATION OF A POLITICAL PARTY

(Name of the political party)

We, the applicants whose signatures are subscribed hereto do hereby solemnly declare
as follows—

1. The political party in respect of which we seek full registration has been provisionally registered and the provisional registration is subsisting.
2. The names of the members of the governing body of the party are indicated in Part I of this Form.
3. The party has recruited as members, not fewer than one thousand registered voters from each of more than half of the counties the details of which are indicated in Part II of this Form.
4. The location of its head office, which shall be a registered office within Kenya and party branch offices of the political party which shall be in more than half of the counties indicated in Part III of this Form.

PART I – PARTICULARS OF MEMBERS OF THE
GOVERNING BODY OF THE POLITICAL PARTY

Name	Gender	Special interest (Indicate category)	County	Address Telephone	Designation Position Held	Date of Appointment Election
-------------	---------------	---	---------------	------------------------------	--	---

This declaration is made to the best of our knowledge, information and belief.

Dated this day of 20

Names and signatures of three authorised officials:

1. Name

Signature

ID/Passport No.

2. Name

Signature

ID/Passport No.

3. Name Signature

ID/Passport No.

Political Parties

[Subsidiary]

PART II – NUMBER OF REGISTERED VOTERS (MEMBERS)
OF THE POLITICAL PARTY ACCORDING TO COUNTIES

S/No.	Name of County	Number of registered voters (members)
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		
31.		
32.		
33.		
34.		
35.		
36.		
37.		
38.		
39.		
40.		
41.		
42.		
43.		
44.		
45.		
46.		
47.		
	TOTAL	

Political Parties

[Subsidiary]

PART III

LOCATION AND ADDRESS OF PARTY HEAD OFFICE AND COUNTY BRANCH OFFICES

The location of the head office of the political party is and the address is P.O. Box or/and Telephone Number (Add building, L.R No., street, road or nearest location)

The location and address of party branch offices which shall be in more than half of the counties are as follows:

S/No.	County	Location	Address/ Telephone No.
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
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22.			
23.			
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25.			
26.			
27.			
28.			
29.			
30.			
31.			
32.			
33.			
34.			
35.			
36.			
37.			
38.			
39.			
40.			
41.			

Political Parties

[Subsidiary]

42.
43.
44.
45.
46.
47.

This declaration is made to the best of our knowledge, information and belief.

Dated this day of 20

Names and signatures of three authorised officials:

1. Name
Signature
ID/Passport No.
2. Name
Signature
ID/Passport No.
3. Name
Signature
ID/Passport No.

FORM PP 6 (r. 4(6))

Serial No.

CERTIFICATE OF FULL REGISTRATION OF A POLITICAL PARTY

I hereby certify that..... has this day been fully registered as a political party under the Political Parties Act (Cap. 7D).

Dated this day of 20

REGISTRAR OF POLITICAL PARTIES

Official Stamp

FORM PP 7 (r. 5(2))

NOTICE OF CHANGE OF PARTY OFFICIALS

Name of political party

1. The following persons have ceased to be party officials:

Full name	Designation	National Identification No./Valid Passport	Postal Address Email/ Telephone No.	Date of Vacating Office
1.
2.

2. The following persons have been appointed /elected as party officials—

Full name	Designation	National Identification No./Valid Passport	Postal Address Email/ Telephone No.	Date of Appointment/ Election to Office
.....

Political Parties

[Subsidiary]

1.
 2.
 3.

Dated this day of 20.....

Names and signatures of three authorised officials:

1. Name.....
 Signature
 ID/Passport No.
 2. Name
 Signature
 ID/Passport No.
 3. Name
 Signature
 ID/Passport No.....

*We annex confirmed minutes containing the resolution for change of party officials.

FORM PP 8 (r. 6(2))
 NOTICE OF CHANGE OF LOCATION OF HEAD OFFICE /COUNTY OFFICE
 OF A POLITICAL PARTY

Notice is hereby given that the location of the head office/ county office of
 the political party known as was on the day of 20 changed
 from to Dated this day of 20

Full name	Designation	Signature	ID/Passport No.
1.
2.
3.

*We annex confirmed minutes containing the resolution for change of location of head or county office.

FORM PP 9 (r. 6(3))
 NOTICE OF CHANGE OF POSTAL ADDRESS/EMAIL/TELEPHONE NUMBERS
 OF A POLITICAL PARTY

Notice is hereby given that the postal address/Email/ telephone number of the political
 party known as was on the day of 20 changed from
 to

Dated this day of 20

Full name	Designation	Signature	ID/Passport No.
1.
2.
3.

*We annex confirmed minutes containing the resolution for change of postal address/ email/telephone numbers of the political party.

FORM PP 10 (r. 7(1))
 NOTICE OF CHANGE OF NAME/SYMBOL/COLORS OF A POLITICAL PARTY

Political Parties

[Subsidiary]

Notice is hereby made for an intention to change the name/symbol/colors of the political party known as

From to

Dated this day of 20

Full name	Designation	Signature	ID/Passport No.
1.
2.
3.

*We annex confirmed minutes containing the resolution for change of name/symbol/ colors of the political party.

FORM PP 11

(r. 7 (2))

NOTICE OF CHANGE OF CONSTITUTION OR RULES OF A POLITICAL PARTY

Notice is hereby given that the political party known as has changed its Constitution/Rules in the following respects, that is to say:

.....

.....

Dated this day of 20

Full name	Designation	Signature	ID/Passport No.
1.
2.
3.

*We annex confirmed minutes containing the resolution for change of constitution or rules of the political party.

FORM PP 12

(r. 9(1))

REGISTER OF PARTICULARS OF POLITICAL PARTIES

FOLIO No.

1. Name of Political Party File No.

2. Postal Address of Party.....

3. Location of Head Office of Party.....

4. Particulars of Provisional Registration—

- (a) Date of receipt of application for provisional registration.....
- (b) Date when application refused or granted (delete as applicable on.....)
- (c) Certificate Serial No. (Form PP.3).....
- (d) Date of issue of provisional certificate.....

5. Particulars of full registration of political party—

- (a) Certificate of full registration serial No. (Form PP.6).....
- (b) Date of issue.....
- (c) Date of cancellation.....

6. Change of name of political party:

- (a) New name.....
- (b) Date of change of name.....

Political Parties

[Subsidiary]

(c) Change of constitution/rules (date).....

(d) Change of office holders

Dated the..... 20.....

FORM PP 13

(r. 12)

DESIGNATION OF SIGNATORIES OF A POLITICAL PARTY

Name of Political Party:

Name of Signatories	Designation	ID NO.	Specimen Signature	Category of documents authorized to sign
1.				
2.				
3.				
4.				
5.				
6.				

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

We the undersigned do hereby certify that the above information is true to the best of our knowledge, information and belief.

Dated the..... day of 20.....

Full name	Designation	Signature	ID/Passport No.
1.
2.
3.

In the presence of:

Commissioner for Oaths/Magistrate

FORM PP 14

(r. 13(a))

DECLARATION OF SOURCES OF FUNDS, ASSETS AND LIABILITIES UPON REGISTRATION OF A POLITICAL PARTY

NAME OF POLITICAL PARTY CERT. NO.

PART I - STATEMENT OF ASSETS AND LIABILITIES AS OF

(This date being Sixty Days from date of full registration)

Political Parties

[Subsidiary]

CURRENT ASSETS

Cash on Hand	
Cash on Deposit	
Accounts Receivable	
Stocks, Other Short term	
Investments	
Inventory	
Surplus	
Others (Describe)	
TOTAL CURRENT ASSETS	

FIXED/LONG TERM ASSETS

Long term Investments	
Motor vehicle and machinery	
Furniture and Fixtures	
Office Equipment	
Land and Buildings	
Others (Describe)	
TOTAL FIXED ASSETS	
TOTAL ASSETS (A)	

A

CURRENT LIABILITIES

Accounts Payable	
Wages, Salaries Payable	

Short Term Loans Payable

Deficit (if any)	
Others (Describe)	
TOTAL CURRENT LIABILITIES	

LONG TERM LIABILITIES

Long Term Loans Payable	
Debentures	
Others (Describe)	
TOTAL LONG TERM LIABILITIES	
TOTAL LIABILITIES(B)	
SURPLUS/DEFICIT (A-B)	

ITEMIZED DETAILS OF SOURCES OF ASSETS AND LIABILITIES

(1) CURRENT ASSETS

Particulars	Name of Contributor	Address	Amount(Kshs)	Date Received
Cash on Hand	(a)			
	(b)			
Cash on	(a)			
Deposit	(b)			

Political Parties

[Subsidiary]

Accounts (a)
 Receivable (b)
 Other (a)
 (Describe) (b)

(2) FIXED/LONG TERM ASSETS

Particulars	Name of Contributor	Address	Amount (Kshs)	Date Received
Investments	(a)			
	(b)			
Furniture and	(a)			
Fixture	(b)			
Office	(a)			
Equipment	(b)			
Other(Describe)	(a)			
	(b)			

(3) CURRENT LIABILITIES

Particulars	Name of Contributor	Address	Amount (Kshs)	Date Received
Accounts	(a)			
Payable	(b)			
Wages and	(a)			
Salaries	(b)			
Payable				
Short Term	(a)			
Loans	(b)			
Other	(a)			
(Describe)	(b)			

(4) LONG TERM LIABILITIES

Particulars	Name of Contributor	Address	Amount (Kshs)	Date Received
Long Term	(a)			
Loans	(b)			
Debentures	(a)			
	(b)			
Other	(a)			
(Describe)	(b)			

PART II - Statement of Income and Expenditure as of

Political Parties

[Subsidiary]

Income		
Membership Fees		
Dividends on Shares		
Rent Received		
Profit on Sale of Assets		
Others (Describe)		
TOTAL INCOME(A)		A

EXPENDITURE		
Salaries		
Rent Paid		
Transport		
Electricity Bill		
Stationery, Printing, Photocopying		
Others (Describe)		
TOTAL EXPENDITURE(B)		B
SURPLUS/DEFICIT (A-B)		C

This declaration is made to the best of our knowledge, information and belief.

Made this day of 20.....

Name and signature of authorized Party officials:

1. Name.....
Signature
ID/Passport No.
2. Name
Signature
ID/Passport No.
3. Name
Signature
ID/Passport No.

In the presence of a Commissioner of Oaths/Magistrate.

FORM PP 15

(r. 15)

Serial No.

NOTIFICATION OF SUSPENSION OF A POLITICAL PARTY

To Political Party

Notice is hereby given that, in exercise of the powers conferred by section 21 of the Political Parties Act, 2011, the political party known as is suspended on the ground(s) that.....

Dated this day of 20

.....

REGISTRAR OF POLITICAL PARTIES

Political Parties

[Subsidiary]

Official Stamp

FORM PP 16

(r. 16(1))

Serial No.

NOTIFICATION OF INTENTION TO DEREGISTER A POLITICAL PARTY

To Political Party

Notice is hereby given that, in exercise of the powers conferred by section 21 of the Political Parties Act, 2011, the Registrar intends to deregister the political party known as

Ninety days from the date hereof unless the political party remedies the breach or contravention or otherwise show cause why the party should not be deregistered.

on the ground(s) that

Dated this day of 20

REGISTRAR OF POLITICAL PARTIES

Official Stamp

FORM PP 17

(r. 16(3))

Serial No.

NOTIFICATION OF DEREGISTRATION OF A POLITICAL PARTY

Notice is hereby given that, in exercise of the powers conferred by section 16 or 21 of the Political Parties Act, 2011, the Registrar has this day deregistered the political party known as

on the ground that

Dated this day of 20

.....

REGISTRAR OF POLITICAL PARTIES

Official Stamp

FORM PP 18

(r. 20)

NOTIFICATION OF CLOSURE OF POLITICAL PARTY OFFICE

Notice is hereby given that the county office of the political party known as was on the day of 20 closed.

Dated this day of 20

Full name	Designation	Signature	ID/Passport No.
1.
2.
3.

FORM PP 19

(r. 21(1))

FORMATION OF PRE-ELECTION / POST ELECTION COALITION OF POLITICAL PARTIES

1. Name of the coalition:

.....

Political Parties

[Subsidiary]

2. Abbreviation/acronym of the name of coalition:

.....

3. Names of all constituent political parties:

.....

4. Address and location of the coalition head office (include email address):

.....

5. Particulars of coalition officials:

S/No.	Name	ID No./Valid Passport No.	Designation	Telephone/ Email Address
--------------	-------------	--------------------------------------	--------------------	-------------------------------------

1.

2.

3.

4.

5.

6. Documents which must be submitted together with this form:

- (a) Coalition agreement including terms and conditions of the coalition; and
- (b) Signed minutes of the governing bodies of each of the political parties entering into the coalition containing the resolution sanctioning the coalition .

It is hereby declared that the contents of this declaration together with all the attachments are true and correct.

Dated this day of20

Authorized officials of constituent party (A)

.....

Authorized officials of constituent party (B)

.....

Authorized officials of constituent party (C)

.....

FORM PP 20

(r. 34(1))

MERGER OF POLITICAL PARTIES TO FORM A NEW POLITICAL PARTY

1. Name of the new political party:

.....

2. Abbreviation/acronym of the new political party:

.....

3. The symbol, and party colours of the new party:

.....

4. Names of all constituent political parties:

.....

5. Address and location of the new political party head office including email address and telephone number:

.....

6. Chairperson of the new political party:

- (a) Full Name:.....
- (b) Address:
- (c) Telephone number:
- (d) Email:

7. Secretary General of the new political party:

- (a) Full Name:.....
- (b) Address:
- (c) Telephone number:

8. All political parties entering into a merger shall submit together with the form:

- (a) merger agreement including terms and conditions of the merger;
- (b) certified copies of the resolution adopted by the executive committee of each political party consenting to the merger;
- (c) signed minutes of the meetings of all the political parties to the agreement sanctioning the merger;
- (d) certificates of full registration for the dissolving parties;
- (e) constitution, rules and regulations of the merged/new political party in Form PP1 in the First Schedule;
- (f) particulars of members of the governing body of the merged/new political party in Form PP5 in the First Schedule; and
- (g) list of location and address of merged/new party head and county offices in Form PP5 in the First Schedule.

It is hereby declared that -

- (a) the contents of this declaration together with all the attachments are true and correct.
- (b) the political parties have followed their procedures and rules with regards to entering into merger agreements.

Dated this day of 20

Authorized officials of constituent party (a)

.....

Authorized officials of constituent party (b)

.....

In the Presence of:

Commissioner for Oaths/Magistrate

FORM PP 21

(r. 26 (1)(a))

MERGER OF POLITICAL PARTIES INTO AN EXISTING POLITICAL PARTY

1. Name of the merged political party:

.....

2. Abbreviation/acronym of the merged political party:

.....

3. The symbol and party colours of the merged party:

.....

Political Parties

[Subsidiary]

4. Names of all political parties entering into the merger:

.....

5. Name of the political party into which other political parties are merging:

.....

6. Address and location of the merged political party head office (include email address):

.....

7. Chairperson/Leader of the merged political party:

- (a) Full Name:.....
- (b) Address:
- (c) Telephone number:
- (d) Email:

8. General Secretary of the new political party:

- (d) Full Name:.....
- (e) Address:
- (f) Telephone number:
- (g)

9. All political parties entering into a merger shall submit together with the form:

- (a) merger agreement including terms and conditions of the merger;
- (b) certified copies of the resolution adopted by the governing body of each political party consenting to the merger;
- (c) signed minutes of the meetings of all the political parties to the agreement sanctioning the merger; and
- (d) certificate of full registration of the dissolving parties.

It is hereby declared that the contents of this declaration together with all the attachments are true and correct.

Dated this day of 20

.....

Chairperson of the merged party

.....

Secretary General of the merged party

Authorized signatories of dissolving political party (a)*

.....

Authorized signatories of dissolving political party (b)*

.....

In the presence of:

Commissioner for Oaths/Magistrate

SECOND SCHEDULE

[r. 4(2)]

FEES

Matter	Fees (Kshs.)
1. Application for provisional registration	100,000
2. Application for full registration	500,000
3. Application for official search	500
4. Inspection/perusal	500
5. Application for a copy of any certificate or filed document or for a certified extract from the register (per page)	10

THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS.

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation
2. Interpretation

PART II – RECRUITMENT OF POLITICAL PARTY MEMBERS

3. Recruitment of members of a political party
4. Use of technology for recruitment of members of a political party
5. Political party to keep and maintain original records
6. Membership list
7. Transmission of the membership list

PART III – POLITICAL PARTIES MEMBERSHIP REGISTER

8. Use of technology
9. Membership register
10. Maintenance of the register
11. Access of the register
12. Information relating to person recruited without consent
13. Membership records of a provisionally registered political party
14. Transfer of membership particulars following merger
15. Membership records of a voluntarily dissolved party
16. Membership records may be removed on court order
17. Records to be kept for five years

PART IV – RESIGNATION, EXPULSION OR TERMINATION OF MEMBERSHIP IN A POLITICAL PARTY

18. Resignation from a political party
19. Cessation of membership

SCHEDULES

SCHEDULE —

FORMS

THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS.

[Legal Notice 260 of 2021]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Political Parties (Membership) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"Integrated Political Parties Information Management System" means the electronic infrastructure in place to manage particulars of political parties' members;

"member" means an individual registered as a member of a political party and includes a founding member;

"membership list" means the records kept or maintained by a political party of members of that political party including the members' particulars;

"register" means the register of members of a political party kept by the Registrar under section 34 of the Act and includes the particulars of those members; and

"recruitment" means the process of enlisting members to a political party.

PART II – RECRUITMENT OF POLITICAL PARTY MEMBERS**3. Recruitment of members of a political party**

(1) A political party that is provisionally or fully registered may recruit members.

(2) Any citizen may apply to join a political party in accordance with the constitution and membership rules of that political party.

(3) Where a political party recruits a person to enlist as a member or a person applies to join that political party, the prospective member shall fill out a membership recruitment form in Form PPM1 as set out in the Schedule including the following particulars—

- (a) the name of the prospective member;
- (b) the prospective member's postal and physical addresses; and
- (c) the identification or passport number of the prospective member.

4. Use of technology for recruitment of members of a political party

(1) Where the political party uses information and communications technology for the recruitment of members, that political party shall ensure that the technology conforms to the requirements under regulation 3(3).

(2) The Registrar shall certify the technology contemplated under subregulation (1) before it is used or deployed by the political party.

5. Political party to keep and maintain original records

(1) A political party shall keep and maintain all the original copies of the recruitment forms of its members in an accessible and verifiable format.

(2) The political party shall, upon reasonable notice from the Registrar, give access to the Registrar to all the recruitment records kept and maintained by the political party.

(3) The political party shall, upon reasonable notice from a registered member of the political party, give access to such member to the recruitment records relating to such member and such other recruitment records of the political party as the party may, in accordance with the constitution of the political party, allow.

(4) The political party shall correct any errors relating to a registered member on its own motion or on the written notice of such member.

[Subsidiary]

(5) A political party shall at all times comply with all relevant provisions of the Data Protection Act (Cap. 411C) in respect of the data it collects from or about the members of the political party.

6. Membership list

(1) A political party shall prepare a list of its members after collating the membership particulars contained in the recruitment forms of its members.

(2) A political party shall ensure that the list of members is accurate and up to date.

7. Transmission of the membership list

(1) The membership list under subregulation (1) shall be transmitted to the Registrar through the Political Parties Information Management System.

(2) Where the information transmitted under subregulation (1) does not conform to the information contained in Form PPM1, the Registrar shall notify the political party in writing and the political party shall correct the information to ensure such conformity.

(3) Where the information transmitted under subregulation (1) conforms to the information contained in form PPM1, the Registrar shall enter the information in the register.

PART III – POLITICAL PARTIES MEMBERSHIP REGISTER

8. Use of technology

The Registrar may use the Political Parties Information Management System for the management of political parties' membership data.

9. Membership register

After receiving information from a political party in accordance with regulation 7(1), the Registrar shall—

- (a) verify that the information is accurate; and
- (b) if the information is accurate, enter the information in the register.

10. Maintenance of the register

The Registrar shall ensure that the information contained in the register is up to date.

11. Access of the register

(1) Subject to the Access to Information Act (Cap. 7M), a person may access the membership register manually or electronically for the purposes of confirming—

- (a) if that person is a member of a political party;
- (b) where the person is a member of a political party, the details of that person's recruitment including the date the person was recruited in the political party, the person's membership number, and the official of the political party that transmitted that person's information to the Registrar; and
- (c) the date the information, if any, relating to that person was entered into the register by the Registrar.

(2) A person who wishes to gain access to information under subregulation (1) shall apply to the Registrar for such access in Form PPM2 as set out in the Schedule.

(3) The Registrar may provide Form PPM2 in paper or electronic form and if it is provided in electronic form, the Registrar shall ensure access to the form in the most efficient way possible.

(4) An application under subregulation (2) shall be accompanied by the prescribed fee.

(5) Where the information kept by the Registrar relating to a person is inaccurate, that person may, by notice in writing, require the Registrar to correct the information and where such correction has been made, the Registrar shall notify such person in writing of the correction.

12. Information relating to person recruited without consent

(1) If a person claims that he or she has been recruited without consent to be a member of a political party, that person shall notify the Registrar of the recruitment.

(2) A notice under subregulation (1) shall be in form PPM3 as set out in the Schedule and accompanied by a copy of the person's national identity card or valid passport.

(3) Where the Registrar verifies that the claim made in the notice under subregulation (2) is true, the Registrar shall remove that person's name from the register of members of the political party and notify such person of the removal in writing.

13. Membership records of a provisionally registered political party

(1) The Registrar shall remove from the register the membership records of a provisionally registered political party—

(a) that has failed to apply for full registration within the period specified in section 7 of the Act; or

(b) whose application for full registration has been refused.

(2) A person who was a member of a provisionally registered party whose membership records have been removed from the register under subregulation (1) shall be eligible to join or be recruited by another political party.

(3) The Registrar shall notify in writing the political party whose membership records have been removed from the register within fourteen days of the removal.

14. Transfer of membership particulars following merger

(1) Where a political party proposes to merge with another political party, the political party shall request the Registrar to transfer the names of the members of the party to the register of the merged political party in Form PPM4 as set out in the Schedule.

(2) Where the Registrar verifies the details of the request under subregulation (1), the Registrar shall transfer the names of the members of the political party to the register of the merged political party as requested.

(3) Where the Registrar is unable to verify the details contained in the request under subregulation (1), the Registrar shall notify the affected political party within seven days of the request under subregulation (1) and require that political party to provide such additional details as may be necessary to give effect to the request.

(4) A member of a political party entering into a merger who does not wish to be a member of the merged political party shall notify the Registrar of the intention not to join the merged political party within thirty days after the date of the proposed merger, and the Registrar shall remove that member's name from the register of the merged political party.

15. Membership records of a voluntarily dissolved party

The Registrar shall remove the membership register of a political party that has been dissolved from the register and the Political Party Information Management System upon being notified of the dissolution in writing by the political party.

16. Membership records may be removed on court order

The Registrar shall, on the order or direction of a court of competent jurisdiction, remove the membership records of a person or political party from the register.

17. Records to be kept for five years

Subject to the provisions of the Data Protection Act (Cap. 411C), the Registrar shall retain in an accessible and verifiable form the membership records of a person or political party removed from the register for a period of not less than five years.

[Subsidiary]

PART IV – RESIGNATION, EXPULSION OR
TERMINATION OF MEMBERSHIP IN A POLITICAL PARTY

18. Resignation from a political party

(1) A member of a political party who wishes to resign from a political party shall notify in writing—

- (a) the political party of the resignation; and
- (b) the Registrar of the resignation in Form PPM5 as set out in the Schedule.

(2) Notwithstanding subregulation (1), a person may resign from a political party by notifying the political party and Registrar through the Political Parties Information Management System.

19. Cessation of membership

The registrar shall remove from the register the membership details of a person who has ceased to be a member of a political party by resignation, expulsion, death or revocation of citizenship.

SCHEDULE

FORMS

FORM PPM 1

(r. 3(3))

POLITICAL PARTY MEMBERSHIP RECRUITMENT FORM

Name of Member

ID/Passport No.

Party Membership No.

Date of Birth (dd-mm-yyyy)

Postal Address

Member's mobile No.

Sex

Ethnicity

Are you a PWD (If yes, indicate NCPWD number).....

Religion

County of voter registration

Constituency of voter registration

Ward of voter registration

Enlisting Date (dd-mmm-yyyy)

I the undersigned do hereby affirm/declare/confirm/verify that I am not a registered member of any other registered political party in Kenya.

Signature of Member

Name and Signature of Recruiting person

**Note: These particulars must be given in respect of at least 1000 party members in a majority of the counties in Kenya.*

FORM PPM2

(r. 11(2), (3))

MEMBERSHIP STATUS REQUEST FORMPart I - DETAILS OF APPLICANT

I of ID No. /Passport No.: (*attach copy*)

Telephone No.: wish to know my party membership status.

Signature

DETAILS OF MEMBERSHIP STATUS OF THIRD PARTY

Name

ID No/Passport No.: (attach copy)

Telephone No.:

PART II - PARTY MEMBERSHIP STATUS

Political Party:

Membership No.:

Registration date:

Signature:

Date:

*If more than one person in part II, attach a list of the request

MR No.

Stamp/Signature

FORM PPM 3 (r.12(2))

CLAIM FOR WRONGFUL RECRUITMENT IN A POLITICAL PARTY

To the Registrar of Political Parties

Particulars of claimant

Surname:

Other Name(s)

Identity Card Number/Kenyan Passport Number:

Tel or E-mail

I, the claimant, having been listed as a member of political party/parties without consent hereby call upon the Registrar of Political Parties to expunge my particulars from the said party/parties.

Dated:, 20

Signature or thumb print of Claimant

FORM PPM 4 (r.14(1))

DECLARATION IN SUPPORT OF MEMBERSHIP TRANSFER FOLLOWING A MERGER

I the Secretary General of Political Party do hereby solemnly declare as follows:

1. The following political parties have resolved to merge with/ into

2. The members have been notified of the merger

3. The members have agreed to the merger

4. The members have consented to join the new political party (give name)

Number of members joining the new party

Name

Signature

Date

Before Commissioner for Oaths/ Magistrate

FORM PPM 5 (r.18(1)(b))

RESIGNATION FORM

Name of

Member

Office held in the party (where

applicable)

Political Parties

[Subsidiary]

Tel.

No.

ID NO /Passport

No.

E-

Mail

Date

Name of Political Party Resigning

From

Postal Address: Postal Code:

City:

Attach Copy of ID/Passport

Sign

c.c. Registrar of Political Parties
