

SPECIAL ISSUE

1963

Kenya Gazette Supplement No. 233

21st December, 2021

(Legislative Supplement No. 104)

LEGAL NOTICE NO. 259

THE SOCIETIES ACT

(Cap. 108)

IN EXERCISE of the powers conferred by section 53(2)(a) of the Societies Act, Attorney-General makes the following Rules—

THE SOCIETIES (AMENDMENT) RULES, 2021

1. These Rules may be cited as the Societies (Amendment) Rules, 2021. Short title.

2. Rule 18 of the Societies Rules is amended by deleting and substituting therefor the following new rule— L.N. 62 of 1968.

18. The fees set out on the table shall be payable to the Registrar—

	<i>Description of Fee</i>	<i>Amount of Fee (Kshs.)</i>
1.	Name search	250
2.	On application for registration or exemption from registration of a society	5,000
3.	On a registered society furnishing an annual return under rule 12 of these Rules—	
	(a) where the membership does not exceed 25	500
	(b) where the membership exceeds 25 but does not exceed 100	700
	(c) where the membership exceeds 100 but does not exceed 1,000	1,000
	(d) where the membership exceeds 1,000	2,000
4.	On a registered society applying for permission under section 20 of the Act to do any of the things for which permission is required under that section	500
5.	On a registered society giving notice of change of registered office or postal address	1,000
6.	On a registered society giving notice of change of officials	1,000

	<i>Description of Fee</i>	<i>Amount of Fee (Kshs.)</i>
7.	On a registered society applying for permission under section 21 of the Act to do any of the things for which permission is required under that section	500
8.	For inspection of the register and any document lodged with the Registrar relating to any society of which inspection is made	500
9.	For a certified extract from any documents in the custody of the Registrar—	
	(a) for the first folio of 100 words or a part thereof	300
	(b) for every subsequent folio of 100 words or a part thereof	100
	(c) for issue of a fresh certificate under rule 12(3) of these Rules	200
	(d) for official search in respect of a society	800
	(e) on dissolution of a society	1,000

Made on the 1st December, 2021.

P. KIHARA KARIUKI
Attorney-General.

LEGAL NOTICE NO. 260

THE POLITICAL PARTIES ACT

(No. 11 of 2011)

IN EXERCISE of the powers conferred by section 49 of the Political Parties Act, 2011, the Registrar of Political Parties makes the following Regulations—

THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS, 2021

PART I—PRELIMINARY

1. These Regulations may be cited as the Political Parties (Membership) Regulations, 2021. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

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

Recruitment of members of a political party.

(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. (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).

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

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

5. (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.

Political party to keep and maintain original records.

(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.

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

6. (1) A political party shall prepare a list of its members after collating the membership particulars contained in the recruitment forms of its members. Membership list.
- (2) A political party shall ensure that the list of members is accurate and up to date.
7. (1) The membership list under subregulation (1) shall be transmitted to the Registrar through the Political Parties Information Management System. Transmission of the membership list.
- (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. The Registrar may use the Political Parties Information Management System for the management of political parties' membership data. Use of technology.
9. After receiving information from a political party in accordance with regulation 7 (1), the Registrar shall— Membership register.
- (a) verify that the information is accurate; and
- (b) if the information is accurate, enter the information in the register.
10. The Registrar shall ensure that the information contained in the register is up to date. Maintenance of the register.
11. (1) Subject to the Access to Information Act, a person may access the membership register manually or electronically for the purposes of confirming— Access of the register.
- (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. (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.

Information relating to person recruited without consent.

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

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. (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.

Transfer of membership particulars following merger.

(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. 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.

Membership records of a voluntarily dissolved party.

16. 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.

Membership records may be removed on court order.

17. Subject to the provisions of the Data Management Act, 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.

Records to be kept for five years.

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

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

Resignation from a political party.

- (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. 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.

Cessation of membership.

FORM PPM1

(r. 5(1))

POLITICAL PARTY MEMBERSHIP RECRUITMENT FORM

Name of Member

ID/Passport No.

Party Membership No.

Date of Birth (dd-mmm-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. 10 (2))

MEMBERSHIP STATUS REQUEST FORM

Part 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 A 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

MRNo.:

Stamp/Signature

FORM PPM3

(r. 11 (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 ofpolitical 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 thumbprint of Claimant

FORM PPM4

(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 PPM5

(r. 19 (5))

RESIGNATION FORM

Name of Member

Office held in the party (Where applicable)
.....

ID No..... /Passport No.....

Tel. 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

Made on the, 2021.

ANNE NDERITU,
Registrar of Political Parties.

LEGAL NOTICE NO. 261

THE COMPETITION ACT

(No. 12 of 2010)

EXCLUSION

THE PROPOSED PURCHASE OF CERTAIN ASSETS OF ORYX LIMITED BY ELEWENA AFRIKA LIMITED.

IN EXERCISE of the powers conferred by section 42(1) of the Competition Act, 2010 the Competition Authority of Kenya hereby excludes the proposed purchase of certain assets of ORYX Limited by Elewena Afrika Limited from the provisions of Part IV of the Act due to the following reasons: —

- (a) the merger will not affect competition negatively; and
- (b) although the combined value of assets of the parties, which was higher than turnover, was above KES 1billion for the preceding year, the targets assets were valued at KES 495,917,705, which is below KES 500 million and therefore the transaction meets the thresholds for exclusion as provided in Competition (General) Rules, 2019.

Dated the 23rd November, 2021.

WANG'OMBE KARIUKI,
Director-General.