

**CONSULTANCY TO DRAFT PUBLIC BENEFIT ORGANIZATIONS
REGULATIONS**

REPORT

SUBMITTED TO THE POVERTY ERADICATION NETWORK

BY

BY GAD AWUONDA

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GAD AWUONDA

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Introduction

This report and the accompanying amendment Regulations have been prepared pursuant to instructions given to the consultant to develop regulations, under the PBO Act. The assignment had as its main objective to ensure clarity and provide guidelines for effective regulation of PBOs. The draft Regulations were to be accompanied by a report of the review giving the rationale for the proposals.

The specific terms of reference of the assignment were as follows—

- i. Review the PBO Act and notes from the Joint Working Group on the Rules and Regulations.
- ii. Offer expert advice on the provisions of the Rules and Regulations and the implications to the PBO Act.
- iii. Develop a zero draft of the PBO rules and regulations taking into account all the provisions of the PBO Act, 2013.
- iv. Review and incorporate into the draft PBO rules and regulations the proposed amendments to the PBO Act, 2013 in consultation with the Joint Working Group.
- v. Develop the draft PBO regulations and a report of the process and any other relevant information as required by Joint Working Group.
- vi. A memorandum of the draft Regulations Participate in the technical meetings of the Joint Working Group, the Joint Committee and any other stakeholder meetings aimed at giving feedback on the Rules and Regulations and provide technical advice.
- vii. Revise the rules and regulations in light to include any relevant feedback received from the Joint Working Group, Joint Committee or stakeholders.

Methodology

In drawing up the draft regulations, the consultant was informed by the following—

(1) The TORs

(2) Subsequent instructions given by way of clarifications sought by the consultant from PEN.

The consultant has reviewed the repealed NGO Co-ordination Act as well as regulations made under it. These have been compared against the new Act and international best practices. What appears in the proposed regulations is an attempt to bring in as much as possible from that international practice while keeping within the limits inherent in the provisions of the parent Act and the peculiarities of the Kenyan environment. Clearly, one

may not achieve much in terms of policy implementation within the framework of subsidiary legislation if that is not supported by the parent Act. The consultant, in developing these regulations, has paid due attention to the risk of *ultra vires* rule while at the same time ensuring that the ordinary elements expected to go with the powers of a regulator are captured in the regulations.

LEGAL NOTICE NO.....

THE PUBLIC BENEFIT ORGANISATIONS ACT, 2013

(No 18)

IN EXERCISE of the powers conferred by section 69 of the Public Benefits Act, 2012, the Cabinet Secretary for Planning and devolution affairs makes the following Regulations —

THE PUBLIC BENEFIT ORGANISATIONS REGULATIONS, 2013

PART I— PRELIMINARY

- Citation. **1.** These Regulations may be cited as the Public Benefit Organisations Regulations, 2013.
- Only public benefit organisation-ns to be registered. **2.** No organisation may be registered under the Act if such organisation is not concerned with public benefit as its objective.
- Publication of register. **3.** The Authority shall, in accordance with section 15 of the Act, maintain a register of the national and international organizations operating in Kenya and the register shall be in Form 1 set out in the First Schedule.

PART II – REGISTRATION AND EXEMPTION FROM REGISTRATION

- Approval of name. **4.** (1) An applicant for the registration of any proposed organization shall prior to such application seek from the Authority approval of the name in which the organization is to be registered.
- (2) The application for approval under paragraph (1) shall be in Form 2 set out in the First Schedule and accompanied by fee specified in

the Second Schedule.

(3) The Authority shall, on receipt of an application and payment of the fee specified in regulation 35, cause a search to be made in the index of the registered organizations kept at the documentation centre and shall, within five days of the receipt of the application, notify the applicant either that –

(a) such name is approved as desirable; or

(b) such name is not approved on the grounds that –

(i) it is identical to or substantially similar or is so formulated as to bring confusion with the name of a registered body or organization existing under any law; or

(ii) such name is in the opinion of the Authority repugnant to or inconsistent with any law or is otherwise undesirable.

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

Application for registration.

5. (1) Every application for Registration under the Act shall be –

(a) in Form 3 set out in the First Schedule;

(b) signed by the chief officer of the proposed organization;

(c) sent to the Authority together with the fee specified in regulation 34;

(d) accompanied by –

(i) a copy of the minutes of the meeting of the proposed organization authorizing the filing of the application;

(ii) a copy of the constitution of the proposed organization, specifying the matters set out in the Second Schedule;

(iii) a notification of the situation of the

registered office and postal address of the proposed organization signed by the chief officer of the proposed organization.

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

Entry into register. **6.** (1) Where the application for registration under regulation 9 is granted by the Authority, the Authority shall register the proposed organization by entering in the register of organizations kept for that purpose the particulars specified in paragraph (2) and the date of entry.

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

Certificate of registration. **7.** The Authority shall issue a certificate of registration in Form 4 set out in the First Schedule.

Notification of refusal of registration. **8.** Where the Authority refuses registration of a proposed organization under section 16 of the Act, it shall notify the applicant of the refusal in Form 5 set out in the First Schedule.

(2) A person aggrieved with the refusal to register may appeal to the Tribunal against that decision.

Application for exemption from registration. **9.** Every application for exemption from registration under section 11 of the Act shall be –

- (a) in Form 6 set out in the Schedule;
- (b) signed by the chief officer of the proposed organization;
- (c) sent to the Authority together with the fee specified in regulation 34;
- (d) accompanied by –
 - (i) a copy of the minutes of the proposed organization;
 - (ii) a copy of the constitution of the proposed organization duly certified by the chief officer and

the secretary of the proposed organization specifying the matters set out in the Second Schedule; and

(iii) a notification of the location of the registered office and postal address signed by the chief officer of the proposed organization.

(2) The Authority may, upon receipt of an application under this regulation, request- the applicant to supply such further information on the proposed organization as he may require.

Permits in lieu of registration.

10. (1) Where the application for exemption under regulation 10 is granted by the the Authority, the Authority shall, issue a permit in Form 7 set out in the First Schedule.

(2) The Authority shall keep a record of all organizations exempted from registration and granted permits under the Act.

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

(4) For the purposes of section of the Act—

(a) “direct implementation of activities or programme” means the the execution of programmes directly other than through another entity and in which the organization in question is merely providng funding for the activity or programe in question;

(b) “raising of fund locally” means the soliciting and acceptance of funds that are specifically meant for activities or organisations situate in Kenya.

Translation of constitution.

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

Bestowing of public benefit status.

12. (1) The Authority shall issue guidelines that it shall apply in bestowing of the public benefit organisation status as contemplated under section 7(b) of the Act.

(2) Without prejudice to the power of the Authority to issue guidelines under su-regulation (1), an organisation seeking the status of a public benefit organisation under section 7(b) shall make an application to the Authority in Form 10A.

Notification of intention to cancel registration.

13.(1) Where under sections 18 and 19 of the Act the Authority is of the opinion that the registration of any organization should be cancelled, it shall send to the organization a notification of intended cancellation in Form 8 set out in the First Schedule taking every reasonable precaution to ensure fairness in the exercise of its discretion.

(2) Where the Authority cancels the registration of an organization, it shall send to the organization a notification of cancellation in Form 9 set out in the Schedule.

(3) The Authority shall at the same time cancel the registration of any branches of the organization.

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

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

(6) An organization whose registration is cancelled shall supply to the Authority an asset distribution plan to the Authority and such distribution may include distribution to other organizations with similar objectives within sixty days from the date of notification of such cancellation, provided that where there is an appeal, the period of sixty day shall run from the date of determination of such appeal.

(7) A person who, while having been an official of an organisation contemplated under regulation 13, and who fails to tender the assets as required by that regulation, commits an offence.

Rescission of exemption.

14.(1) The Authority may rescind the exemption of any organization from registration.

(2) Where under paragraph (1) the exemption of an organization is rescinded, the Authority shall send a notification in Form 10 set out in the First Schedule.

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

Notice to prove existence.

15. Where, under section 19(2), the Authority intends to suspend or cancel a certificate of registration of an organisation, it shall send a notice to the registered address of the organisation and publish the notice calling on the organization to supply proof of its continued existence in Form 11 set out in the First Schedule.

PART III – CONDUCT AND ADMINISTRATION OF ORGANIZATIONS

Organisation to have office, etc.

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

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

(3) Where any organization registered or exempted from registration changes the situation of its registered office or postal address, it shall give notice of such change to the Authority.

(4) No registered organization or exempted organization may –

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

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

Prohibition against amendment of constitution, etc.

17. (1) No Public Benefit Organization shall –

- (a) amend its name on its constitution; or
- (b) become a branch of any organization; or

(c) dissolve itself,

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

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

(3) Every exempted organization which –

(a) amends its name or objects; or

(b) becomes a branch or affiliated to or connected with any organization or group of a political nature established outside Kenya; or

(c) dissolve itself,

shall, within fourteen days from the date of effecting such amendment or other matter aforesaid, give to the Authority notice thereof in writing signed by three of the officers of the organization.

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

Notification of change of offices.

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

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

Inclusion of changes in the register.

19. (1) Where the Authority has consented to an application by a registered organization or where the Authority has received a notification of change of registered office or postal address of any registered organization, it shall amend the register accordingly.

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

(3) The Authority shall also make such other amendments to the particulars concerning a registered organization as may be

necessitated by any information supplied to it.

Annual report. **20.** Every registered organization shall furnish to the Authority on the anniversary of its registration in every year, annual reports in Form 14 set out in the First Schedule.

**PART IV- POWERS OF INSPECTION, ETC. OF THE
AUTHORITY AND PROTECTION OF ASSETS OF
ORGANISATIONS**

Power of Authority to inspect premises, etc. **21.**(1) The Authority may (on its own or through a person appointed by the Authority) at reasonable time carry out an inspection on the premises of an organisation for the purposes of promoting compliance with the provisions of the Act and these Regulations:

Provided that the authority may only carry out the inspection if it has received an *ex parte* order from a court to that effect.

(2) The organisation concerned shall allow the person carrying out the inspection free entry to the premises of the organisation and access to all records relating to the organisation and any other document which may be relevant for the inspection.

(3) Where the inspection report makes any recommendations, the Authority may, within such time and in such manner as it may specify, require the organisation concerned to implement the recommendations contained in the report.

(4) Any person who—

- (a) obstructs or hinders the person to carry or carrying out an inspection under this regulation in the exercise of that person's powers under this regulation; or
- (b) furnishes information or makes a statement to the Authority which he knows to be false or misleading in any material particular; or
- (c) without good and reasonable excuse fails to implement the recommendations made pursuant to this regulation,

commits an offence and shall on conviction be liable to a penalty of not more than shillings twenty thousand or to imprisonment for not more than three months or to both.

(5) For the purposes of section 16 of the Act, the Authority may,

within such time as the Authority may specify—

- (a) require any organisation to supply to the Authority any information regarding its compliance with any terms and conditions attached to the certificate of registration;
- (b) any other information regarding the compliance by that organisation with the provisions of the Act or these Regulations.

(5) The Authority may require that any information required by it under sub regulation (5) be accompanied by such documents as the Authority may determine.

Procedure for suspension and cancellation

22. Where the Authority has cancelled the certificate of registration of an organisation—

- (a) the organisation shall continue with its operations under determination of the appeal;
- (b) that organisation shall tender its assests or operations to other organisaioons with similar objectives withing sixty days from the date of notification of such cancellation, provided that where there is an appeal, the period of sixty days shall run from the date of determination of the appeal.

Duties and liabilities of officers, governing body members and employees.

23. (1) Officers and employees of an organisation shall—

- (a) execute their responsibilities to the organisation with care, diligence, and prudence;
- (b) ensure that the organisation obeys applicable law and abides by its statutes, rules, and resolutions.

(2) A person who is an officer or employee of an organisation shall be liable individually to the organisation or any affected third party for willful or grossly negligent performance or neglect of his duties.

Prohibition on personal benefit.

24. The assets and earnings of an organisation shall be used to support the purposes of the organisation and shall not be distributed, directly or indirectly, to any person.

(2) This regulation does not preclude reimbursement of reasonable

expenses to any person for work performed for the organisation.

Conflict of interest. of **25.**(1) If any person performing services for, or exercising any authority on behalf of an organisation, including any official, or employee of an organisation, has a conflict of interest, that person shall disclose that conflict of interest to the governing body of the organisation.

(2) A person with a conflict of interest shall not participate in the discussion or decision of any matter involving the organisation as to which he has a conflict of interest.

(3) Any transaction between an organisation and its officials or employees is prohibited unless the governing body determines, after reasonable investigations, that the transaction is in the best interest of, and is fair and reasonable to, the organisation and that the organisation could not have obtained a more advantageous arrangement with reasonable effort under the circumstances.

Protection of assets on dissolution. of **26.**(1) In the event of a voluntary dissolution of an organisation, the organisation shall submit a plan of dissolution to the Authority.

(2) The plan shall include appropriate provisions ensuring that any assets remaining after the discharge of all debts and liabilities be distributed to another organisation to be used for purposes similar to those of the dissolved organisation.

(3) Despite sub-regulation (2), where an international organization organization is required by the law of the country of its first registration to apply such assets in any other manner, that law shall prevail and the distribution or disposal of assets shall be made in accordance and in compliance with that law.

(4) No distribution of assets shall be made except pursuant to the plan of dissolution approved by the Authority.

(5) In approving a plan as contemplated under sub-regulation (4), the Authority shall take into account such conditions as may have been imposed on any particular asset by the donor or that asset, if any.

PART V I– MISCELLANEOUS PROVISIONS

Federation to submit rules, etc. of **27.**(1) The Federation shall within ninety days of its formation, prepare and submit to the Authority an instrument specifying the structure, rules and procedures:

Provided that where no instrument is submitted within the period specified in this regulation, the Cabinet Secretary shall, in consultation with the Authority, formulate and introduce an interim

structure, rules and procedures for the effective administration activities of the Federation.

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

Provided that where no draft is submitted within the period specified in this regulation, the Authority shall refer the matter to the Cabinet Secretary who may take such measures as he or she may deem appropriate.

- Inspection of register and certificate of subsisting entries.
- 28.** Any person may, upon payment of the prescribed fee –
- (a) inspect the register or any documents filed with the Authority;
 - (b) require to be supplied with a certificate, duly certified by the Authority, showing the subsisting entries in the register relating to any organisation registered under the Act; or
 - (c) require to be supplied with a copy of, or an extract from, any document filed with the Authority duly certified by the Authority to be a true copy or extract, as the case may be.
- Work permits, etc.
- 29.** Any registered organization wishing to obtain entry permits in respect of prospective employees shall, where –
- (a) the services of such employees are necessary for the proper function of the organization; or
 - (b) no persons with comparable skills are available locally; or
 - (c) such employees will contribute towards the training of Kenyans to obtain scientific, technical and managerial skills or expertise on the areas of operation of the requesting organisation,
- apply in writing to the department of immigration Officer through the Authority for the issuance of the required permits.
- Waiver of duty, etc.
- 30.** (1) Any organization importing equipment for its activities in Kenya may, where there is sufficient proof that –
- (a) the foreign exchange for such goods is not raised in Kenya; or

- (b) the importation of such equipment will generate foreign currency for the country; or
- (c) the importing organization has earned through income generating activities foreign exchange equivalent to the price of the imported equipment; or
- (d) the cost of the imported equipment does not exceed thirty-five per centum of the total annual budget of the organization; or
- (e) the price of similar goods in the local market exceeds the price of the imported equipment by least thirty per centum, apply through the Authority in writing to the Cabinet Secretary for the time being responsible for finance for exemption of such goods from duty.

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

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

Tax exemptions.

31. (1) Any organization seeking exemption from tax may, where the exemption sought is in respect of –

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

apply through the Authority to the Cabinet Secretary for the time being responsible for finance for the grant of the exemption.

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

Inspection of documents by the public.

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

- Penalty. **33.** Any registered or exempted organization or any officer thereof guilty of an offence under these Regulations shall be liable to a fine not exceeding six thousand shillings, or in the case of an officer, to imprisonment for a term not exceeding six months or both.
- Fees payable. **34.** The fees set out in the Second Schedule shall be payable to the Authority for the purpose of the Act or these Regulations.
- General power to institute inquiries. **35.**(1) For the purposes of determining compliance with the provisions of the Act and these Regulations the Authority may from time to time institute inquiries with regard to any organisation, either generally or for a particular purpose.
- (2) The Authority may either conduct an inquiry referred in sub regulation (1) on its own or appoint a person to conduct it and make a report to the Authority.
- (3) For the purposes of any inquiry under this regulation, the Authority, or a person appointed by it to conduct the inquiry, may direct any person (subject to the provisions of this regulation)—
- (a) to furnish accounts and statements in writing with respect to any matter in question at the inquiry, being a matter on which he has or can reasonably obtain information;
 - (b) to furnish copies of documents in his custody or under his control which relate to any matter in question at the inquiry;
 - (c) to attend at a specified time and place and give evidence or produce any such documents.
- Notice to comply before penal action. **36.** Pursuant to section 63(3) of the Act, if a failure to comply with a condition, restriction or prohibition contained in these Regulations is an offence, the Authority shall ensure that to the extent practicable, before being subjected to criminal liability, the affected person is given notice of the offence and a reasonable opportunity to comply with the regulation.
- Manager may be appointed for organisation. **37.** The Authority may, for purposes of protecting the assets of an organization from being lost, wasted or misused—
- (a) require an organization to take such remedial measures, including the replacement of its officials in order to safeguard the property and affairs of the

organization;
(b) issue a restraint order against the offending officials.

Income and economic activity.

38. The Authority shall prescribe the guidelines for income and economic activity of an organization intending to engage in such activity.

(2) In prescribing the guidelines contemplated in sub-regulation (1), the Authority shall have regard to the objects of the organization in question and the need to enable organisations secure resources for their activities.

Guidelines for transition previously registered organisations.

39. The Authority shall prescribe the guidelines for the transition of Non-Governmental Organisations previously registered under the repealed Act to comply with the Act

FIRST SCHEDULE

Forms

FORM 1 (r. 3)

THE PUBLIC BENEFIT ORGANIZATIONS ACT, 2013

REGISTER OF PUBLIC BENEFIT ORGANIZATIONS

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

FORM 2 (r.4)

THE PUBLIC BENEFIT ORGANIZATIONS ACT, 2013

APPLICATION FOR APPROVAL OF NAME OF ORGANIZATION

To the Director-General

PBOs Regulatory Authority

P. O. Box 30510

Nairobi

I, (FULL NAMES)

of(ADDRESS)

request your approval to register a Public Benefit Organization in any of the following names:

1.

2.

3.

Signature of applicant

Dated

FOR OFFICIAL USE ONLY

Approved/Rejected

Ground:

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

Signed

Executive Director, Public Benefits

Organizations Regulatory Authority

FORM 3 (r. 5)

THE PUBLIC BENEFIT ORGANIZATIONS ACT, 2013

**APPLICATION FOR REGISTRATION OF A PUBLIC BENEFIT ORGANIZATION
IN KENYA**

(Notes to be read before completing the forms)

1. This form is to be completed by any organization seeking registration under the Public Benefits Organizations Act, 2013.

2. Five copies of the application shall be submitted to the Public Benefits Organizations Regulatory Authority, P. O. Box 30510, Nairobi, Kenya.

3. The application forms must be accompanied by the following:

(a) Personal particulars of the Public Benefit Organization's three officers (see Part IV – Each officer to complete separately).

(b) Five copies of a letter from the sponsor, i.e. the person or body providing primary financial and material support towards the projects.

(c) Two copies of the organization's constitution.

(d) Two current passport-size photographs of the applicant duly endorsed by sponsor or referee.

(e) Certificate of registration outside Kenya/incorporation in Kenya (where applicable)

(f) A copy of the minutes of the meeting of the proposed organization authorizing the filing of the application.

(g) A notification of the location of the office and postal address of the proposed organization, signed by the chief officer of the proposed organization.

(h) The application fee as specified in regulation 34.

(To be completed by the applicant)

We, the undersigned officers hereby apply for registration under the Public Benefit Organizations Act 2013.

The following are the particulars of the organizations

1. (a) Name of the Organization

(b) Name of the Chief Officer

2. Date and place of first registration (where applicable)

.....

3. (a) Nature of proposed organization

Welfare

Health

Relief

Informal sector

Education Water

Population,

Environment,

Agriculture, etc.

Any other (specify)

(b) Objective(s)

.....
.....

4. Personnel requirements:

(a) Local

(b) Foreign

5. (a) Source(s) of funds

.....

(b) Total amount involved in Ksh

(Please attach a detailed budget)

6. Other countries of operation (where applicable)

.....

7. Name of other organization(s) affiliated or concerned to:

.....

8. Location and address of proposed headquarters:

.....

.....

9. County(ies) of operation

.....

10. List of type of equipment to be brought into Kenya:

.....

.....

11. Nature of Government support expected, if any:

.....

.....

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

(a) Name Title

Signature

(b) Name Title

Signature

(c) Name Title

Signature

FOR OFFICIAL USE ONLY

PART III

1. Comments of the Authority:

.....
.....

Signed by

Date

2. Approved/Not Approved

Date

.....

Director General, Public Benefit Organizations

Authority

PART IV

1. Personal Particulars of Three Officers above. (Each officer to complete this part separately)

(a) Name

Postal and residential address in Kenya

.....

Permanent address

.....

(b) Previous name (if any)

(c) Date and place of birth

(d) Current nationality

(e) Previous nationality

(f) Nationality at birth

(g) Passport number and place of issue

(h) Wife's husband's full name (if applicable)

.....

2. Qualifications

(a) Educational

Name of Schools and Certificate Attained Date
Colleges Attended

From To

(b) Professional/Technical Qualifications

(Please indicate place and date of attainment)

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

(c) Language proficiency:

(Please indicate whether spoken and/or written)

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

3. Employment Record:

Present employment:

Give particulars of your Position Held Date
employment since leaving
school or college
(including service with
armed forces and police)
Name and Full Address of
Employer Department,
Regiment or Corps

From To

Name of Employer *Year* *Reason for Termination of Service*

FORM 4 (r. 7)

CERTIFICATE OF REGISTRATION AS A PUBLIC BENEFIT ORGANIZATION

This is to certify that

.....

has this day been registered under section 10 of the Public Benefit Organization Act subject to the following conditions:

- 1.
- 2.
- 3.
- 4.

Dated:

Signed

Director General of the Authority

FORM 5 (r. 8)

NOTIFICATION OF REFUSAL OF REGISTRATION

To

.....

This is to inform you that in exercise of the powers conferred by section 16 of the Public Benefit Organizations Act, 2013, the Authority has refused to register you under that section of the Act on the following grounds

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

Dated

Signed

Director General of the Authority

Form 6

APPLICATION FOR EXEMPTION FORM REGISTRATION

THE PUBLIC BENEFIT ORGANIZATIONS ACT, 2013

**APPLICATION FOR A PERMIT IN LIEU OF CERTIFICATE OF REGISTRATION
OF A PUBLIC BENEFIT ORGANIZATION IN KENYA**

(Notes to be read before completing the forms)

1. This form is to be completed by any organization seeking registration under the Public Benefits Organizations Act, 2013.

2. Five copies of the application shall be submitted to the Public Benefits Organizations Regulatory Authority, P. O. Box 30510, Nairobi, Kenya.

3. The application forms must be accompanied by the following:

(a) Personal particulars of the Public Benefit Organization’s three officers (see Part IV – Each officer to complete separately.

(b) Five copies of a letter from the sponsor, i.e. the person or body providing primary financial and material support towards the projects.

(c) Two copies of the organization’s constitution.

(d) Two current passport-size photographs of the applicant duly endorsed by sponsor or referee.

(e) Certificate of registration outside Kenya

(f) A copy of the minutes of the meeting of the proposed organization authorizing the filing of the application.

(g) A notification of the location of the office and postal address of the proposed organization, signed by the chief officer of the proposed organization.

(h) The application fee as specified in regulation 34.

(To be completed by the applicant)

We, the undersigned officers hereby apply for registration under the Public Benefit Organizations Act 2013.

The following are the particulars of the organizations

1. (a) Name of the Organization

(b) Name of the Chief Officer

2. Date and place of first registration (where applicable)

.....

3. (a) Nature of proposed organization

Welfare

Health

Relief

Informal sector

Education

Water

Population,

Environment,

Agriculture, etc.

Any other (specify)

(b) Objective(s)

.....

.....

4. Personnel requirements:

(a) Local

(b) Foreign

5. (a) Source(s) of funds

.....

(b) Total amount involved in Ksh

(Please attach a detailed budget)

6. Other countries of operation (where applicable)

.....

7. Name of other organization(s) affiliated or concerned to:

.....

8. Location and address of proposed headquarters:

.....

.....

9. County(ies) of operation

.....

10. List of type of equipment to be brought into Kenya:

.....

.....
11. Nature of Government support expected, if any:
.....
.....

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

(a) Name Title

Signature

(b) Name Title

Signature

(c) Name Title

Signature

FOR OFFICIAL USE ONLY

PART III

1. Comments of the Authority:

.....
.....

Signed by

Date

2. Approved/Not Approved

Date

.....

Director General, Public Benefit Organizations

Authority

PART IV

1. Personal Particulars of Three Officers above. (Each officer to complete this part separately)

(a) Name

Postal and residential address in Kenya

.....

Permanent address

.....

- (b) Previous name (if any)
- (c) Date and place of birth
- (d) Current nationality
- (e) Previous nationality
- (f) Nationality at birth
- (g) Passport number and place of issue
- (h) Wife's husband's full name (if applicable)
-

2. Qualifications

(a) Educational

Name of Schools and Certificate Attained	Date
Colleges Attended	
From	To

(b) Professional/Technical Qualifications

(Please indicate place and date of attainment)

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

(c) Language proficiency:

(Please indicate whether spoken and/or written)

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

3. Employment Record:

Present employment:

Give particulars of your employment since leaving school or college (including service with armed forces and police)	Position Held	Date
Name and Full Address of Employer	Department,	
Regiment or Corps		

From

To

Name of Employer

Year

Reason for Termination of Service

FORM 7 (r. 10)

PERMIT IN LIEU OF CERTIFICATE OF REGISTRATION

This is to certify that I have this day
exempted

from registration under section 10 of the Public Benefit Organizations Act, 2013.

Signed

Cabinet Secretary

FORM 8

NOTIFICATION OF INTENDED CANCELLATION OF REGISTRATION

To

.....

.....

I,, Director General of the Public Benefit Organizations Regulatory Authority give you notice that in accordance with section 18 of the Act, the Authority intends to cancel your registration under the said Act on the grounds that:

1

2

3

4

You are hereby required, within

Days of the date of this notice, to show your registration should not be cancelled.

Dated

Signed

Director General of the Authority

FORM 9

NOTICE OF CANCELLATION OF REGISTRATION

I,, Director General of the Public Benefit Organizations Regulatory Authority, notify that in accordance with section 19 of the Public Benefit Organizations Act, 2013, the Authority has cancelled your registration under the said Act on the grounds that:

- 1
- 2
- 3
- 4

Dated

Signed

Director General of the Authority

FORM 10

NOTIFICATION OF RESCISSION OF EXEMPTION FROM REGISTRATION

To

.....

.....

I,, Director General of the Public Benefit Organizations Regulatory Authority notify you that the Authority has this day rescinded your exemption from registration under the Public Benefit Organizations Act, 2013, on the grounds that:

.....

.....

.....

Dated:

Signed

Director General of the Authority

FORM 10A

APPLICATION TO BE BESTOWED PUBLIC BENEFIT STATUS

(Notes to be read before completing the forms)

1. This form is to be completed by any organization seeking to be bestowed public benefit organisation status in accordance with section 7(b) of the Public Benefits Organizations Act, 2013.

2. Five copies of the application shall be submitted to the Public Benefits Organizations Regulatory Authority, P. O. Box 30510, Nairobi, Kenya.

3. The application forms must be accompanied by the following:

(a) Personal particulars of the organization's three officers (see Part IV – Each officer to complete separately.

(b) Five copies of a letter from the sponsor (if applicable), i.e. the person or body providing primary financial and material support towards the projects.

(c) Two copies of the organization's constitutive document.

(d) Two current passport-size photographs of the applicant duly endorsed by sponsor or referee.

(e) Certificate of registration outside Kenya

(f) A copy of the minutes of the meeting of the proposed organization authorizing the filing of the application.

(g) A notification of the location of the office and postal address of the proposed organization, signed by the chief officer of the proposed organization.

(h) The application fee as specified in regulation 34.

(To be completed by the applicant)

We, the undersigned officers hereby apply for registration under the Public Benefit Organizations Act 2013.

The following are the particulars of the organizations

1. (a) Name of the Organization

(b) Name of the Chief Officer

2. Date and place of first registration (where applicable)

.....

3. Law under which the organization is registered-----

3. (a) Nature of the organization

Welfare

Health

Relief

Informal sector

Education

Water

Population,

Environment,

Agriculture, etc.

Any other (specify)

(b) Objective(s)

.....

.....

4. Personnel requirements:

(a) Local

(b) Foreign

5. (a) Source(s) of funds

.....

(b) Total amount involved in Ksh

(Please attach a detailed budget)

6. Other countries of operation (where applicable)

.....

7. Name of other organization(s) affiliated or concerned to:

.....

8. Location and address of proposed headquarters:

.....

.....

9. County(ies) of operation

.....

10. List of type of equipment to be brought into Kenya:

.....

.....

11. Nature of Government support expected, if any:

.....
.....

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

(a) Name Title

Signature

(b) Name Title

Signature

(c) Name Title

Signature

FOR OFFICIAL USE ONLY

PART III

1. Comments of the Authority:

.....
.....

Signed by

Date

2. Approved/Not Approved

Date

.....

Director General, Public Benefit Organizations

Authority

FORM 11

NOTICE OF CANCELLATION OF CERTIFICATE OF REGISTRATION BY REASON THAT AN ORGANISATION HAS CEASED TO EXIST UNDER SECTION 19(2) OF THE PUBLIC BENEFIT ORGANIZATIONS ACT

To

.....

.....

TAKE NOTICE THAT the Public Benefit Organizations Regulatory Authority intends to strike you off the register of Public Benefit Organizations on the grounds that you have ceased to exist as an organization.

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

Dated:

Signed

Director General of the Authority

FORM 12

NOTIFICATION OF CHANGE OF OFFICERS OR TITLE OF OFFICERS

**To the Director,
PBOs Regulatory Authority,
P. O. Box 30501,**

The organization hereby gives you notice in accordance with the provisions of the Public Benefit Regulations that the following changes were made on

19, of the Officers/Titles of Officer* of the Organization:

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

Signed:

Name Designation

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

Date:

**Delete whichever is not applicable*

FORM 13

PERMISSION TO DISPOSE OF EQUIPMENT EXEMPTED FROM DUTY

To
.....
.....

The Public Benefit Regulatory Authority has agreed to grant its permission to you to dispose of the following equipment by sale/donation/other subject to the conditions listed hereunder:

Name of Equipment Particulars

- 1.
- 2.
- 3.

CONDITIONS

- 1.
- 2.
- 3.

Dated:

Signed

Director General of Authority

SECOND SCHEDULE-TO BE PROVIDED FOR FULLY ONCE THE FIGURES ETC AGREED TO.

Fees payable for the various services under the Act and the regulations are as set out in this Schedule—

- on application for Registration where the proposed organization is –
- (a) on application for Registration where the proposed organization is –
- (i) international 5,000
- (a) (ii) national 3,000
- (b) (iii) indigenous and operating in only one county ... 2,000

- (c) (iv) indigenous and operating in only one county ... 2,000
- (d) (c) on application for approval of name 100
- (e) (d) for inspection of the register and any document
- (f) lodged with the Authority relating to any organization 100
- (g) (e) on a registered organization applying for permission
- (h) to do any of the things for which permission is
- (i) required under these regulations 200
- (j) (f) application for change of name of a registered or
- (k) exempted organization 200