

SPECIAL ISSUE

Kenya Gazette Supplement No. 88 (National Assembly Bills No. 20)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2021

NAIROBI, 5th May, 2021

CONTENT

Bill for Introduction into the National Assembly—

PAGE

The Community Groups Registration Bill, 2021 629



THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 311

UNIVERSITY OF CHICAGO
PHYSICS DEPARTMENT
5734 S. UNIVERSITY AVE.
CHICAGO, ILL. 60637
TEL: 773-936-3700
WWW.PHYSICS.UCHICAGO.EDU

THE COMMUNITY GROUPS REGISTRATION BILL, 2021

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.

PART II—ADMINISTRATION

- 3—Director of Social Development.
- 4—County co-ordinator of social development.
- 5—Social development committees.
- 6—Functions social development committees.
- 7—Business and affairs of social development committees.
- 8—Remuneration of members of social development committees.

PART III—REGISTRATION OF COMMUNITY GROUPS

- 9—Registration of community groups.
- 10—Community group constitutions.
- 11—Special interest community groups.
- 12—Rejection of application.
- 13—Period within which application to be determined.
- 14—Renewal of registration.
- 15—Cancellation of registration.
- 16—Voluntary dissolution.
- 17—Merger of community groups.
- 18—Director to approve merger.
- 19—Amalgamation of community groups.
- 20—Director may make changes in register.

PART IV—REGULATION OF COMMUNITY GROUPS

- 21—General objects of community groups.
- 22—Contact address.

- 23—Officer bearers.
- 24—Restriction of appointment of certain office bearers.
- 25—Change of office bearers or title of office.
- 26—Dispute resolution.
- 27—Purporting to act as office bearer.
- 28—Register of members.
- 29—Inspection of register of members.
- 30—Confidentiality of members' details.

PART V—FINANCIAL PROVISIONS

- 31—Financial records.
- 32—Treasurer responsible accounts.
- 33—Reports.
- 34—Inspection of accounts and documents.
- 35—Director may request information and financial records.
- 36—Audit of financial records.
- 37—Resource mobilization.

PART VI—GENERAL PROVISIONS

- 38—Obstruction of the Director
- 39—General penalty.
- 40—Regulations.
- 41—Transitional provisions.

FIRST SCHEDULE—THE CONDUCT OF BUSINESS AND AFFAIRS SOCIAL DEVELOPMENT COMMITTEES

SECOND SCHEDULE—MATTERS TO BE PROVIDED FOR IN THE CONSTITUTION ON OF A COMMUNITY GROUP

THE COMMUNITY GROUPS REGISTRATION BILL, 2021

A Bill for

AN ACT of Parliament to provide a regulatory framework for the registration and regulation of community groups and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART—I PRELIMINARY

1. This Act may be cited as the Community Groups Registration Act, 2021. Short title.

2. In this Act, unless the context requires— Interpretation.

“amalgamation” means the arrangement where two or more community groups unite to form a community-based organisation but the constituent community groups retaining their respective, individual identities;

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to social development;

“community” means persons resident in the same geographic locality or who are considered as a unit because of their shared common interests;

“community development” means a process where a community takes collective action and generates solutions to common problems;

“community group” means a voluntary association of individuals from the same community which is self-organised for a common purpose aimed at improving the livelihood of the group members or for a community benefit and includes a special interest group, community project and community-based organisation but shall not include groups formed to champion a political cause or contrary to public policy;

“Director” means the Director for Social Development appointed under section 3;

“merger” means the arrangement where two or more community groups dissolve in order to unite into a single community group and the dissolved community groups lose their individual identities;

“office bearer” means a person elected or appointed by

a community group in accordance with that community group's constitution to be responsible for the management of the community group for the specified period and includes persons designated as the chairperson, secretary, treasurer, or any other position as established by its constitution;

“special interest community group” means a community group declared by the Director to be a special interest community group under section 11;

“social development” means the growth of the capabilities and choices of individuals, groups, people and their institutions; and

“social development officer” means a person appointed by the Ministry as a social development officer.

PART II—ADMINISTRATION

3. (1) There shall be a Director of Social Development which shall be an office in the Public Service.

Director of Social
Development.

(2) The Director shall be responsible for—

- (a) mobilising communities to form groups to undertake community projects;
- (b) the registration of community groups;
- (c) the supervision, monitoring and evaluation of community projects by community groups and, on the request of an interested party, the investigation of community group activities;
- (d) the establishment and maintenance of a community development management information system;
- (e) the establishment of capacity-building and training programmes for community groups;
- (f) enhancing partnerships, collaboration and linkages with other persons, groups or organisations for the benefit of the community;
- (g) overseeing the operations of social development committees; and
- (h) performing such other functions as may be assigned by the Cabinet Secretary.

4. (1) The Director shall appoint a county co-ordinator of social development for each county.

County co-ordinator of social development.

(2) The county co-ordinator of social development shall be responsible for the performance of the Director's functions in the county.

(3) Despite the generality of subsection (2), the county co-ordinator of social development shall be responsible for—

- (a) the establishment and supervision of social development committees in the county;
- (b) the nomination of representatives of civil society organisations and social development partners to social development committees; and
- (c) the performance of any other functions as may be assigned by the Director.

5. (1) A county co-ordinator of social development shall establish a social development committee for a sub-county which shall comprise of—

Social development committees.

- (a) the sub-county social development officer;
- (b) the officer responsible for social development in the county government;
- (c) a representative of the Deputy County Commissioner responsible for the sub-county;
- (d) four representatives of development partners and civil society organizations operating in the county who shall be nominated by the county co-ordinator of social development;
- (e) five representatives of registered community groups operating in the sub-county who shall be nominated by the community groups; and
- (f) where necessary or practicable, representatives of national government ministries, departments or agencies operating in the sub-county.

(2) A sub-county social development committee shall include representatives of persons with disability, women and youth.

(3) The sub-county department responsible for social

development shall provide the secretariat for the social development committee.

6. A social development committee shall—

Functions of
social
development
committees.

- (a) act as a link between the national government and community groups, communities and other development partners;
- (b) support community mobilisation, and the formation and registration of community groups;
- (c) support capacity building for its members and members of community groups;
- (d) support mobilisation of, and awareness-creation on, social development programmes and emerging issues in the community;
- (e) participate in setting priorities on the types of social development programmes and projects to be implemented by community groups;
- (f) provide information on current and emerging social and community development needs;
- (g) make recommendations for community groups for material, capacity-building and financial support;
- (h) support the Director in the monitoring, evaluation and research on community development programmes at the sub-county level;
- (i) support in dispute resolution and management of community groups;
- (j) support social impact assessment and social risk assessment processes at sub-county level; and
- (k) perform such other functions as may be assigned by the Director.

7. (1) The business and affairs social development committees shall be conducted in accordance with the First Schedule.

Business and
affairs of social
development
committees.

(2) Except as provided in the First Schedule, social development committees may regulate their own procedure.

8. The Cabinet Secretary shall, on the advice of the Salaries and Remuneration Commission, determine the allowances payable to the members of social development committees for out-of-pocket expenses incurred in the performance of their functions.

Remuneration of members of social development committees.

PART III—REGISTRATION OF COMMUNITY GROUPS

9. (1) A group of persons may, if they so wish, apply in the prescribed form to the Director for registration as a community group.

Registration of community groups.

(2) A group shall qualify for registration under this Act if—

- (a) the members are adults;
- (b) the members have a common purpose; and
- (c) the group comprises of—
 - (i) at least ten persons, or
 - (ii) in the case of a special interest community group, at least five persons.

(3) The Director may require additional information from an applicant under this section or conduct an investigation as may be necessary before approving or rejecting the application.

(4) The Director may prescribe fees in respect of applications under this section.

10. (1) An application under section 9 shall be accompanied by a community group constitution.

Community group constitutions.

(2) A rule or a purpose within the constitution of a community group that is inconsistent with the Constitution, this Act or any written law shall have of no effect to the extent of the inconsistency.

(3) The information contained in the Model Community Group Constitution set out in the Second Schedule shall be sufficient for the purposes of this Act and a community group may adopt the Model Community Group Constitution for its own purposes.

(4) A community group which amends its constitution shall submit the amended constitution to the Director within one month of the amendment.

11. (1) The Director may, upon application and payment of fees prescribed by the Director, declare a community group to be a special interest community group.

Special interest
community
groups.

(2) A special interest community group shall comprise of individuals who share a common interest that, due to its unique nature of that interest, condition or need, has failed to raise a large membership within the community.

12. The Director may reject an application under section 9 if—

Rejection of
application.

- (a) the applicants have not complied with the requirements of this Act;
- (b) the Director has reasonable cause to believe that the applicants have among their objects, the pursuit of an unlawful cause or purpose that is prejudicial to the peace, welfare or good order of the community or is likely to carry out unlawful actions;
- (c) the constitution of the community group is inconsistent with the Constitution or any other written law;
- (d) the applicants have submitted false or misleading information; or
- (e) the proposed name of the community group is identical to or resembles the name of a registered community group as to be likely to mislead the public as to its nature or identity.

13. (1) The Director shall, within fourteen days of receiving an application under section 9, either register or refuse to register a community group.

Period within
which application
to be determined.

(2) Where the Director refuses to register a community group, the Director shall notify the applicants of the refusal in writing setting out the reasons for refusal.

14. (1) A community group registered under this Act may, on the expiry of two years after its registration, apply to the Director in the prescribe form and after paying the prescribed fees for the renewal of its registration and, thereafter, apply for renewal of its registration at the expiry of a period of one year.

Renewal of
registration.

(2) An application under subsection (1) shall be made at least two months before the date of the application for renewal of registration.

(3) An application under subsection (1) shall be accompanied by a report of the community group's activities for the two years immediately preceding the application, its financial report and any other report the Director may require.

(4) The Director shall, within fourteen days of receiving an application under subsection (1), either renew the registration or refuse to renew the registration.

(5) Where the Director refuses to renew the registration of a community group, the Director shall notify the applicants of the refusal in writing setting out the reasons for refusal.

(6) Where the Director is satisfied that the applicants qualify for the renewal of registration, the Director shall approve the application and renew the community group's certificate of registration.

15. (1) The Director may cancel the registration of a community group if—

Cancellation of registration.

- (a) the community group fails to comply with this Act;
- (b) the members of the community group fail to comply with the community group's constitution;
- (c) the community group fails to submit any information required under this Act or requested by the Director in accordance with this Act; or
- (d) the community group was fraudulently registered.

(2) Before the Director cancels the registration of a community group, the Director shall—

- (a) give the office bearers of the community group at least fourteen days' notice of the intention to cancel the group's registration; and
- (b) give the office bearers and members of the community group the opportunity to make representations to the Director as to why the group's registration should not be cancelled.

16. (1) A community group may dissolve itself voluntarily if the members pass a resolution for voluntary dissolution in accordance with the community group's constitution.

(2) A community group that passes a resolution for voluntary dissolution shall notify the Director in writing of the voluntary dissolution.

(3) A notification under subsection (2) shall be signed by at least two-thirds of the members and be accompanied by—

- (a) the community group's certificate of registration;
- (b) a copy of the minutes and the resolution of the meeting recommending the dissolution of the community group stating—
 - (i) the community group's intention to be voluntarily dissolved;
 - (ii) the reasons for the resolution to voluntarily dissolve; and
 - (iii) a date, at least two months after the date of the notice, on which the dissolution is intended to take effect.

(4) On receiving the notice under subsection (2), the Director shall—

- (a) confirm whether or not the resolution has been made in accordance with the community group's constitution;
- (b) where the notice is in order, cancel the certificate of registration of the community group;
- (c) amend the register to indicate that the community group has been voluntarily dissolved; and
- (d) notify the community group in writing of its dissolution and the effective date of the dissolution.

(6) The Director shall, before acting in accordance with subsection (4), ensure that the assets of the community group have been properly distributed any outstanding claims have been settled, and the Director may impose such conditions as may be necessary for the

protection of the welfare of the members of the group or the community.

(7) A community group shall be deemed to have dissolved voluntarily if the community group fails to renew its registration for a period of four years.

17. (1) A community group may, in accordance with its constitution, pass a resolution to merge with another community group.

Merger of community groups.

(2) A community group shall not merge with another community group unless at least three quarters of all the members of each of the community groups agree to the merger.

(3) A merger of community groups shall not take effect unless—

- (a) the community group has settled or made arrangements to settle its debts and its creditors have acknowledged settlement of their dues or the arrangement to settle their dues;
- (b) the claims of the members of the community group who have not agreed to the merger and have exercised their option to leave the group have been met in full or otherwise satisfied;
- (c) information of the proposed merger and details about the settlement of claims of members and creditors has been submitted to the Director; and
- (d) the community groups proposing to merge have surrendered their certificates of registration to the Director.

(4) Where community groups merge, they shall cease to exist as independent community groups and their assets and liabilities shall be transferred to the merged group.

(5) A resolution passed by a community group under subsection (1) shall be sufficient to vest the assets held or liabilities incurred by or on behalf of the community group on the members of the merged community group.

18. (1) The Director shall, save for just cause, approve the merger of community groups where the groups have complied with the provisions of section 17.

Director to approve merger.

(2) The Director shall on approval of a merger of community groups—

- (a) enter into the register the name and relevant details of the new community group;
- (b) amend the register with respect to the merging community groups to indicate that they have merged; and
- (c) cancel the certificates of registration of the community groups that have merged.

19. (1) Two or more community groups may, in accordance with their constitutions, pass resolutions to amalgamate.

Amalgamation of
community
groups

(2) Each community group that resolves to amalgamate with another shall apply to the Director in the prescribed form.

(3) An application under subsection (2) shall be accompanied by the certificates of registration of the community groups that intend to amalgamate.

(4) Where the Director has approved the amalgamation of community groups, the Director shall issue to the resulting community-based organisation with a certificate of registration.

(5) The Director shall—

- (a) enter into the register the relevant details of the resulting community-based organisation;
- (b) amend the register with respect to the amalgamating community groups; and
- (c) cancel the certificates of registration of the amalgamating community groups.

20. (1) The Director may, upon reasonable notice given by a community group, make changes or corrections relating to any entry in the register with respect to the community group.

Director may
make changes in
register

(2) A notice issued under this section shall be accompanied by—

- (a) a resolution passed by a majority of the members of the community group approving the proposed changes; and
- (b) a list of members who were present at the meeting at which the resolution was passed.

PART IV—REGULATION OF COMMUNITY GROUPS

21. A community group may, in accordance with its constitution—

General objects of community groups.

- (a) invest and deal with funds of the community group not immediately required for its objects;
- (b) raise or borrow money on any terms and in any manner as resolved by a majority of its members;
- (c) jointly secure the repayment of funds raised or borrowed by the community group or the payment of a debt or liability of the community group by giving mortgages, charges or securities on or over all or any of the property of the community group; and
- (d) do anything that is incidental or conducive to the attainment of the purposes of the powers of the community group.

22. (1) A community group shall establish and maintain an official physical address to which all members shall have access and all correspondence, notices and similar communication with the community group shall be delivered.

Contact address.

(2) All communication and notices required under this Act shall be delivered to the physical address established under subsection (1).

(3) A community group shall, within one month of the change of its physical address, notify the Director and the members of the group of the change and the details of the new address.

23. A community group shall ensure its office bearers assume office in accordance with the provisions of this Act and its constitution.

Officer bearers.

24. (1) A person who has been convicted of a crime involving fraud or dishonesty shall not, within a period of five years from the date of conviction, be eligible to be appointed or elected—

Restriction of appointment of certain office bearers.

- (a) as an office bearer of a community group;
- (b) to any office the holder of which is responsible for the collection, disbursement, custody or control of the funds of a community group or for a community group's accounts; or
- (c) as an auditor of a community group.

(2) A member of a community group shall not be elected or appointed as the auditor of the community group.

25. (1) A community group shall notify the Director in writing of any changes in an office or title of an office of the community group within one month of the change.

Change of office bearers or title of office.

(2) A notice under subsection (1) shall be accompanied—

- (a) by a resolution of the community group signed by three office bearers of the community group;
- (b) by a signed attendance list of the members who were present at the meeting at which such change was adopted;
- (c) by evidence that the meeting had quorum in accordance with the constitution of the community group; and
- (d) by the minutes of the meeting at which the change was adopted.

(3) The Cabinet Secretary shall make regulations prescribing the procedure and fees under this section.

26. (1) Each community group shall, in its constitution, prescribe mechanisms for the resolution of disputes between one member of the community group and another.

Dispute resolution.

(2) If a dispute occurs between one community group and another community group, parties shall refer the dispute to the sub-county social development committee which shall hear and determine the dispute expeditiously.

(3) Where a sub-county social development committee fails to determine a dispute that has been referred to it under subsection (2), it shall refer the dispute to the relevant county social development committee which shall hear and determine the dispute expeditiously.

(4) Where a county social development committee fails to determine a dispute referred to it under subsection (3), it shall refer the dispute to the Director who shall hear and determine the dispute expeditiously.

(5) On receipt of a reference under subsection (2), the Director may—

- (a) investigate the facts and circumstances of the dispute;
- (b) summon any member of the community groups for the purpose of enquiring into the facts and circumstances of the dispute; and
- (c) call for such documents as may be necessary to ascertain the facts and circumstances of the dispute.

(6) The Director shall, within fourteen days of the referral of a dispute under subsection (4), determine the dispute and notify the parties of the determination in writing.

(7) Any person who refuses to honour any summons by the Director under subsection (5) (b) commits an offence and, on conviction, shall be liable to a fine of not more than ten thousand shillings or to imprisonment for a term not exceeding six months or both.

(8) A person aggrieved by a decision of the Director under this section may appeal to the High Court.

27. (1) A person commits an offence if that person—

Purporting to act
as office bearer.

- (a) has not been duly appointed or elected as an office bearer of a community group and acts or purports to act as an office bearer of that community group; or
- (b) having been appointed or elected as an office bearer of a community group other than at the time of the formation of the community group, acts as an office bearer after the end of the period agreed by the members without giving a notification to the Director.

28. (1) A community group registered under this Act shall keep a register of its members in such form as may be prescribed, and shall cause to be entered in the register the name and contact address of each member and the date of admission into membership.

Register of members.

(2) A community group which contravenes subsection (1), and every office bearer commits an offence and—

- (a) the community group shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or suspension for such period as the offence continues or to both; and
- (b) every office bearer shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

(3) Every community group shall submit to the Director a list of its members—

- (a) whenever required by the Director upon reasonable notice; and
- (b) once every two years or within such longer or shorter period as may be specified by the Director in any particular case for reason given in writing.

(4) A community group which fails to submit an updated list of members within the specified period will attract a penalty for late submission.

(5) A community group shall enter in its register the date on which a person ceases to be a member of the community group within fourteen days from that date.

29. A member of a community group shall, subject to the constitution of the community group, have the right to inspect the register of members upon reasonable notice.

Inspection of register of members.

30. (1) Subject to Article 33 of the Constitution, a person shall not disclose any personal information obtained from the register of members of a community group unless the information—

Confidentiality of members' details.

(a) is directly related to the management of the community group or the purpose for which the community group was established; and

(b) is not prohibited by the constitution of the community group.

(2) A person who violates the provisions of subsection (1) commits an offence.

PART V—FINANCIAL PROVISIONS

31. (1) A community group shall maintain financial records that—

Financial records.

(a) correctly record and explain its transactions, its financial position and performance; and

(b) enable the preparation of true and fair financial statements.

(2) A community group shall retain its financial records for a period of seven years after the transactions covered by the records are completed.

32. (1) The constitution of a community group shall provide for the designation of a member of the community group as its treasurer or person responsible for its financial affairs including the maintenance of the community group's financial records.

Treasurer responsible accounts

(2) A person designated as the treasurer of a community group shall be responsible for the accounts of the community group, the collection, disbursement, custody and control of its funds and shall—

(a) at least once in every year at such time as may be specified in the group constitution;

(b) at any other time as may be required to do so by a resolution of the members of the community group; and

(c) upon resigning or otherwise vacating office;

render to the community group and its members a full and true account of all monies received and paid during the period which has elapsed since the date of assuming office or, if such person has previously rendered an account, since the last date upon which that person rendered such account, and of the monies remaining in the treasurer's hands at the time of rendering the account, and of all other property of the community group entrusted to that person's custody or under that person's control.

(3) After an account has been rendered under subsection (2), the treasurer shall, if the treasurer is resigning or vacating office or required to resign or vacate office, hand over to the succeeding treasurer, the monies as appear to be due from the treasurer, and all bonds, securities, effects, books, papers and property of the community group in the treasurer's hands or otherwise under the treasurer's control.

33. (1) Every community group shall, once every two years, furnish the Director, by the 30th June of the year in which it is made, a report, which shall provide for the community group's—

Reports.

(a) activities;

(b) financial affairs;

(c) any other matter as may be required by the Director.

(2) A report under this section shall be adopted at the community group at its annual general meeting before being submitted to the Director under subsection (1).

(3) Where a community group is unable to comply with subsection (1), it shall notify the Director stating the reasons it is unable to comply.

(4) Any person who willfully makes or orders or causes or procures to be made any false entry in or omission from a report made under this section commits an offence.

(5) The Director may levy a late-filing fee on a community group that submits a report required under this section out of time without notifying the Director of the

delay in accordance with subsection (3).

(6) The Director may suspend the certificate of a community group that fails to submit a report required to be submitted under this section until the community group submits the report.

34. A community group shall, upon reasonable notice, make its financial records and related documents, and the register of members of the community group available—

Inspection of accounts and documents.

- (a) for inspection by any office bearer or member of the community group at such place and at such times as may be provided for in the constitution of the community group;
- (b) for inspection by the Director, or by any person authorized by the Director in writing in that behalf, at the office of the Director at any reasonable time specified; and
- (c) when applying for the renewal of its certificate of registration.

35. (1) Where the Director has reasonable cause to believe that circumstances have arisen which render it expedient for the proper performance of the Director's functions under this Act to do so, the Director may require in writing that a community group furnish the Director with—

Director may request information and financial records.

- (a) a copy of the group's constitution;
- (b) a complete list of the group's office bearers and members;
- (c) the minutes of any meeting held by the group at which office bearers were elected or appointed;
- (d) the financial records of the group covering such period as the Director deems necessary for the purpose for which the request is made; and
- (e) such other accounts, returns and other information as the Director may request.

(2) A community group shall comply with the request given under subsection (1) within such period as may be specified in the request or within such longer period as the Director may, upon request, allow.

(3) A community group which has had its registration cancelled for failing to comply with the provisions of this Act concerning registration or fails to comply with a request to furnish financial records under this section, shall not be registered again, and no community group which, in the opinion of the Director, is a successor of such community group shall be registered, unless the application for registration is accompanied by financial records.

(4) If any information or document furnished to the Director under this section is false, incorrect or incomplete in any material particular community group shall be deemed to have failed to comply with the provisions of this section.

36. The Director may direct that the financial records of a community group be audited at the community group's cost if the audit is expedient and necessary for the resolution of a dispute between a member of the community group and another.

Audit of financial records.

37. (1) A community group may mobilize resources for the benefit of its members or the community in which it operates.

Resource mobilisation.

(2) A person who diverts or misappropriates resources belonging to a community group for any other use other than for the purposes for which the community group was established commits an offence and, on conviction, shall be liable to a fine not exceeding three million shillings or imprisonment for a term not exceeding two years or to both.

(3) The Cabinet Secretary may issue guidelines for resource mobilisation by community groups and a person who carries out resource mobilisation in contravention of such guidelines commits an offence.

PART VI—GENERAL PROVISIONS

38. Any person who obstructs the Director in carrying out any functions under this Act commits an offence.

Obstruction of the Director.

39. A person who commits an offence under this Act for which no penalty is prescribed shall be liable to a fine not exceeding ten thousand shillings or a community service order for a period not exceeding three months.

General penalty.

40. (1) The Cabinet Secretary may make regulations for the better carrying out of the provisions of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may make regulations prescribing—

- (a) the forms to be used for the purposes of this Act;
- (b) the particulars to be included in—
 - (i) applications or notifications to the Director;
 - (ii) certificates of registration issued by the Director;
- (c) the procedures and requirements for registration, suspension and cancellation of registration of any community group;
- (d) information to be included in the register of a community group;
- (e) the records to be kept by a community group;
- (f) charges, fees or other payments under this Act;
- (g) guidelines for community mobilisation;
- (h) the guidelines for resource mobilisation;
- (i) dispute resolution procedures under this Act;
- (j) guidelines for the establishment of social development committees; and
- (k) any other matter or thing required to be prescribed to give effect to the provisions of this Act.

41. (1) Every community group which was, immediately before the commencement of this Act, registered as a community group by the national government shall, at the commencement of this Act, be deemed to have been registered under this Act.

Transitional provisions.

Provided that a community group to which this section applies, shall within a period of one year after the commencement of this Act, put in place measures necessary to ensure compliance with the provisions of this Act.

FIRST SCHEDULE**(s. 7)****THE CONDUCT OF BUSINESS AND AFFAIRS OF
SOCIAL DEVELOPMENT COMMITTEES**

Meetings.

1. (1) The National, county and sub county Committees shall meet at such place within their area of jurisdiction as the chairperson may determine and the meetings shall be convened by the chairperson.

(2) The committees shall have at least four meetings in every financial year and not more than three months shall elapse between one meeting and the next meeting.

(3) Unless three quarters of the members otherwise agree, at least seven days' notice in writing of a meeting shall be given to every member by the Director.

(4) The chairperson may, at his or her discretion or at the written request made by at least half of the members of the Committee and within seven days of the request, convene an extraordinary meeting at such time and place and he or she may appoint.

(5) Meetings shall be presided over by the chairperson or in his or her absence by the vice-chairperson.

(6) The members of a Committee shall elect a vice-chairperson from among themselves—

(a) at the first sitting of the Committee; and

(b) whenever it is necessary to fill the vacancy in the office of the vice-chairperson.

(7) Where the chairperson or vice-chairperson is absent, the members shall appoint from among themselves, a person to chair the meeting of the Committee.

(8) The Committee may invite any person to attend any of its meetings and to participate in its deliberations, but such person shall not have a vote in any decision of the Committee.

2. (1) If any person has a personal or fiduciary interest in a project, proposed contract or any matter before the Committee, and is present at a meeting of the

Conflict of interest.

Committee at which any matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

3. (1) Subject to subparagraph (2), the quorum of the Quorum. of a meeting shall not be less than half of the appointed members of the Committee.

(2) Where the persons present at a meeting of the Committee do not constitute the quorum necessary to hold a meeting under this Act or where by reason of exclusion of a member from a meeting, the number of members present falls below the quorum necessary to hold a meeting, the Committee shall postpone the consideration of the matter in question until there is a quorum.

4. A question before the Committee shall be decided by simple majority of the members present and voting and the chairperson shall, in the case of an equality of votes, have a casting vote. Voting.

5. The Committee shall—

- (a) determine rules of procedure for the conduct of its minutes business; and
- (b) keep minutes of its proceedings and decisions.

Rules of Procedure and minutes.

SECOND SCHEDULE**(s. 10(3))****MATTERS TO BE PROVIDED FOR IN THE CONSTITUTION
OF A COMMUNITY GROUP****Title of the Constitution**

1. Indicate name of group.

Purpose of the community group

2. State the reason for which the community group has been established.

Address of the Group/Project

3. Physical and postal addresses of the project

Goal

4. State the broad objectives of the community group

Specific Objectives

5. State the means of achieving the goal of the community group

Values

6. A statement of the values of the group

Group activities

7. A statement of the group's activities

Membership

8. Including eligible members, nature of membership (open or closed), procedure of joining, procedure of removal, procedure of departure, duties of member, rights of member, discipline of members, etc.

Office bearers

9. Including chairperson, vice-chairperson, secretary and treasurer; election or appointment of office bearers; removal or resignation of office bearers; qualification or disqualification to be office bearers; functions or roles of office bearers; etc.

Tenure of office bearers

10. Term of holding office; whether eligible for a new term or not; etc.

Group finances

11. Specific roles and powers of treasurer; sources of funds of the community group; the management and accounting for funds of the community group; banking arrangements for the funds of the community group; maintenance of financial records of the community group; auditing of the financial records of the community group; financial reports of the community group; etc.

Utilization of funds

12. Authorised expenses of the community group including remuneration or allowances of employees or staff of the community group; operational expenses of the community group; statutory expenses of the community group such as taxes; etc.

Record Management

13. The types of records that the community group should keep including members register, member shares register, payment vouchers, cashbook, minute book/file financial statements, etc.

Meetings

14. Type and frequency of meetings; procedure at meetings; agenda of meetings; records relating to meetings; procedure for convening of meetings; quorum at meetings; authorised business of meetings; adoption of certain reports at specified meetings; etc.

Elections

15. Eligibility to vote; method of voting; supervision of elections; notice of election; reporting and confirmation of election results; special dispute resolution procedures regarding elections; transitional procedures relating to elections, etc.

Dispute resolution

16. The procedures for handling disputes or conflicts within the group; the acceptable methods of dispute resolution; notice periods relating to disputes or conflicts in the community group; etc.

Amendment of the community group constitution

17. Notice periods relating to amendments to the community group constitution; quorum for amending the community group constitution; procedure for proposing amendment of community group constitution; transitional procedures regarding amendments; adoption of amendments; etc.

Indemnity

18. Office bearers protected from liability for activities done on behalf of the community group in good faith; group liable to third parties to pay compensation for activities of the group that cause loss, damage or injury to the third parties; etc. Office bearers liable for loss, damage or injury caused by acts done in contravention of community group constitution or without authorization if authorization was required or withheld by members of the group.

Dissolution

19. Circumstances under which community group may be dissolved; procedure for the dissolution of community group; notice periods in respect of the dissolution of community group; quorum for the dissolution of community group; transitional procedures during dissolution; treatments of assets and liabilities of community group after dissolution; etc.

Commitment clause

20. Community group members should sign and commit to the provisions of the community group constitution.

MEMORANDUM OF OBJECTS AND REASONS

The Community Groups Registration Bill, 2021 is intended to provide a regulatory framework for the mobilization, registration, co-ordination and regulation of community groups; and for connected purposes.

Part I of the Bill (clauses 1 and 2) provides for preliminary matters including the short title of the Bill and the definitions of key terms used in the Bill.

Part II of the Bill (clauses 3 to 8) provides for the office of the Director of Social Development, which is intended to be an office in the public service. The clause provides for the appointment and functions of the Director. It also provides for social development committees, their appointment, membership, functions and powers, conduct of business, and the remuneration of their members.

Part III of the Bill (clauses 9 to 20) provides for the registration of community groups, including the registration of special community groups, and the amalgamation and merger of community groups. Part IV provides for the requirements for registration and the circumstances under which a community group may be dissolved or have its certificate of registration suspended or cancelled.

Part IV of the Bill (clauses 21 to 30) provides for the regulation of community groups including the general objects of community groups; the appointment and role of office bearers; dispute resolution; registers of members of community groups; and obligation to maintain the confidentiality of members' details.

Part V of the Bill (clauses 31 to 37) provides for financial matters relating to community groups including the maintenance of financial records; the responsibilities of treasurers' over community groups' accounts; the power of the Director to request information and documents from community groups; the audit of community groups' financial records; and resource-mobilisation activities by community groups.

Part VI of the Bill (clauses 38 to 41) provides for general matters. Clause 38 makes it an offence to obstruct the Director in the course of performing his duties while clause 39 provides for a general penalty. Clause 40 provides for the making of regulations and clause 41 provides for transitional matters relating to community groups that had been registered by the national Government on the coming into force of the Bill.

The First Schedule provides for the conduct of business and affairs of county and sub-county community development committees.

Second Schedule provides for matters to be provided for in the constitution of a community group.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not contain any provisions limiting any fundamental rights or freedom.

Statement on how the Bill concerns county governments

The Bill affects the functions of County Governments as set out in the Fourth Schedule to the Constitution and is therefore a Bill concerning counties.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill may occasion additional expenditure of public funds.

Dated the 29th April, 2021.

AMOS KIMUNYA,
Leader of Majority Party.