

D O L & P

### OFFICE OF THE ATTORNEY-GENERAL

### DEPARTMENT OF JUSTICE

### AG/LDD/1113/2/6

20th January, 2022

Mr. Michael Sialai CBS Clerk of the National Assembly Clerk's Chambers Parliament Buildings P.O. Box 48472-00100 NAIROBI

RE: THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS, 2021 (LEGAL NOTICE NO. 260 OF 2021)

Pursuant to section 11 (1) of the Statutory Instrument's Act, 2013, please find enclosed the above-referenced statutory instrument. Kindly arrange for it to be laid before the Departmental Committee on Delegated Legislation for consideration and approval.

The Political Parties (Membership) Regulations, 2021 were published in the Gazette as ord of public C. Ababas Propositions. L.N. No. 260 of 2021 on the 31st December, 2021. A copy of the statutory instrument, an Explanatory Memorandum, Certificate of Compliance and record of public participation thereon, are also enclosed herewith.

We trust that this is in order.

NATIONAL ASSEMBLY RECEIVED

2 0 JAN 2022

DEPUTY CLERK

P. O. Box 41842 ~00100, NAJROBI

hara Kariuki ATTORNEY GENERAL

DATE:

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Copies to Mr. Kennedy Ogeto EBS

Solicitor-General

NATIONAL ASSEMBLY

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OF JUSTICE

CLERK-AT CO-OPERATIVE BANK HOUSE, HAILLE SELLAS IE AVENUEPTI Box 56057-00200, Nairobi-Kenya TEL: Nairobi 2224029/ 2240337

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### THE STATUTORY INSTRUMENTS ACT, 2013

(No. 23 of 2013)

### COMPLIANCE CERTIFICATE

WHEREAS the Registrar of Political Parties has published the Political Parties (Membership) Regulations, 2021, pursuant to the provisions of section 49 of the Political Parties Act, 2011,

IT IS HEREBY CERTIFIED that the Political Parties (Membership) Regulations, 2021,

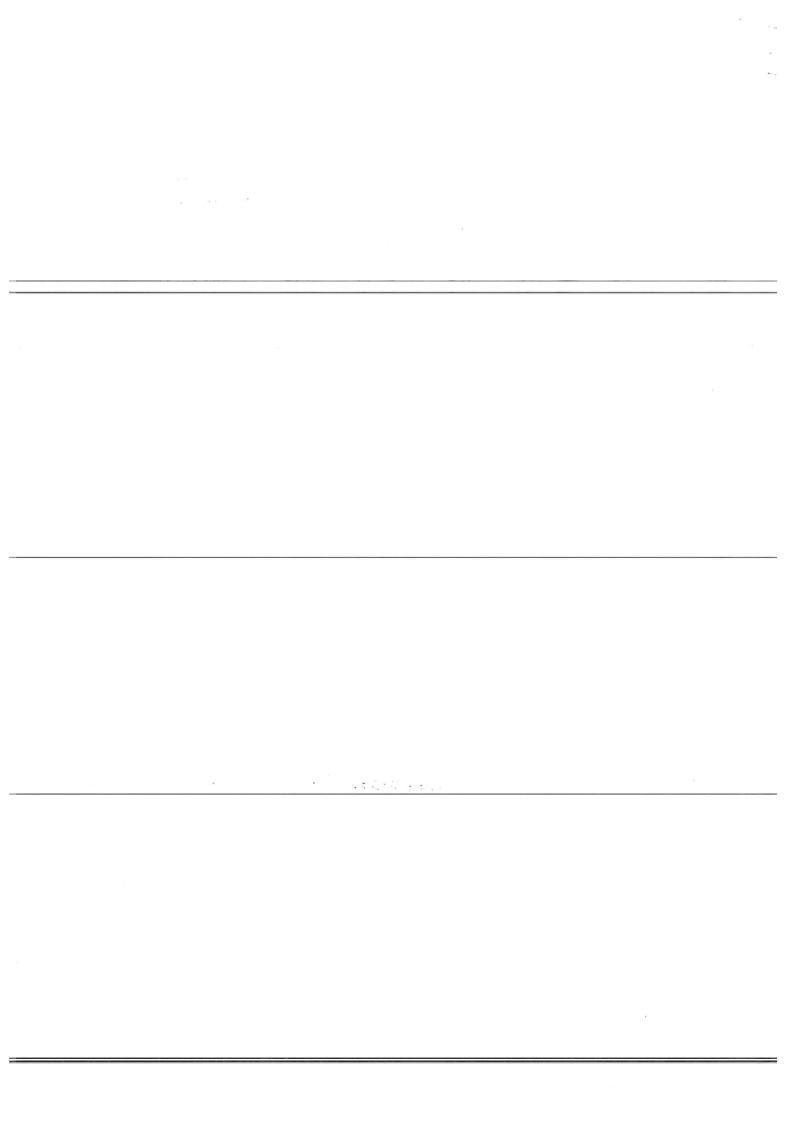
- (a) in their purpose and content are not inconsistent with the Constitution, national legislation or the legislation of any county government;
- (b) have been formulated in accordance with the provisions of the Statutory Instruments Act, 2013; and
- (c) are accompanied by an Explanatory Memorandum that adequately addresses the issues pertinent to their implementation.

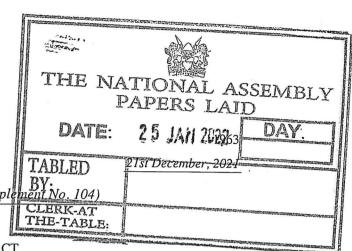
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SPECIAL ISSUE

Kenya Gazette Supplement No. 233

(Legislative Supple

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) Short title. Rules, 2021.
- 2. Rule 18 of the Societies Rules is amended by deleting and L.N. 62 of 1968. substituting therefor the following new rule—

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

	Description of Fee	Amount of Fee (Kshs.)
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

	Description of Fee	Amount of Fee (Kshs.)
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.

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

Interpretation.

Citation.

"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 membershiplist.

- (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 persons 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 member of any other registered political party in Kenya.	t a registered
Signature of Member	
Name and Signature of Recruiting person	

<sup>\*</sup>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	
	Iof	
	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.:	
8-	Stamp/Signature	eg .

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,	nout consent
Dated:, 20	
Signature or thumbprint of Claimant	

	RM PPM4 DECLARATION IN SUPPORT OF MEMBERSHIP TRANSFER FOLLO MERGER	(r. 14(1)) Wing A
	the Secretary General of y do hereby solemnly declare as follows:	Political
	1. The following political parties. have merge with/into	resolved to
	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 nar	ne)
Nun	nber of members joining the new party	
Nan	ne	
Sign	nature	
Date	2	

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,	

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.

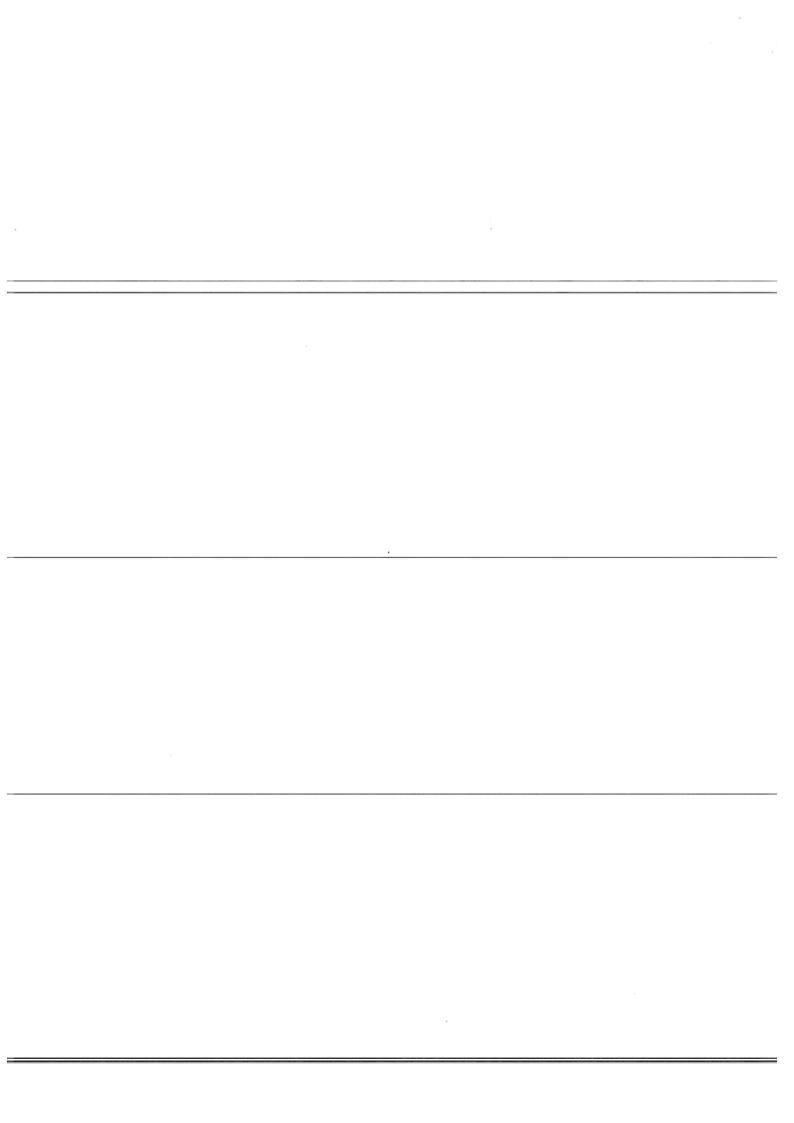
IN EXERCISE of the powers conferred by section 42(1) of the Competition Act, 2010 the Competition Authority of Kenya hereby excludes the proposed purchase of certain assets of ORYX Limited by Elewena Afrika Limited from the provisions of Part IV of the Act due to the following reasons: — .

- (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.

Registrar of Political Parties.



### EXPLANATORY MEMORANDUM TO THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS, 2021.

Name of the Statutory Instrument: The Political Parties (Membership) Regulations, 2021.

Name of the Parent Act: Political Parties Act No. 11 of 2011.

Enacted pursuant to: The powers conferred by section 49 of the Political Parties Act, 2011.

Name of the regulation-making authority: Office of the Registrar of Political Parties.

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### 1. Purpose of the Statutory Instrument

- 1.1 The Political Parties (Membership) Regulations, 2021 provides for the step-by-step process of recruitment of party members including the requirement of continuous updating of the membership register and protection of personal date.
- 1.2 The instrument provides for the process of managing political parties' membership register.
- 1.3 The instrument addresses the gaps in resignation of party members by introducing resignation through automated means.

### 2. Legislative Context

- 2.1. Section 49(2) of the Political Parties Act, 2011 empowers the Registrar of Political Parties to make Regulations on regulating activities of political parties and further prescribe forms for carrying out the provisions of the Act.
- 2.2. Pursuant to the provisions of the Political Parties Act, 2011, this instrument addresses recruitment of party members, management of the political parties' data with respect to party members, and resignation from a political party.
- 2.3 The role of these Regulations include to;
- a) Provide the systematic use of technology in implementing the Political Parties Act, 2011 including recruitment and resignation.
- b) Provide for management of data of provisionally registered parties that have not complied with the provisions of Section 7 of the Political Parties Act, 2011 in terms of proceeding to the full registration status.
- c) Provide for removal 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.

### 3. Policy Background

- 3.1. The Political Parties Act, 2011 has provisions that are not self-enforcing hence the need for Regulations to ensure that the Registrar of Political Parties can effectively and efficiently implement the Act.
- 3.2. The overreaching objectives of the Regulations are thus:
  - (a) To provide mechanisms Kenyans to willingly participate in political activities with a focus on enjoying political rights;
  - (b) To allow Kenyans the latitude to join and resign from political parties without unreasonable restrictions; and
  - (c) To capitalize on technology with respect to regulating political parties;

### 4. Extent

The statutory instrument applies in the Republic of Kenya and to Kenyans in the Diaspora.

### 5. Consultations Outcome

- 5.1. The instrument was subjected to the following stakeholder engagements;
  - a) Technical Caucus Consultative Meeting on the Review of the Political Parties Act, 2011 held at Sarova Woodlands Nakuru on 10<sup>th</sup> February 2020;
  - b) Political Parties Consultative Meeting held from 1st to 3<sup>rd</sup> March 2020 at Sarova Woodlands Nakuru;
  - c) State actors and Civil Society Organizations workshop held from 5th to 9th October, 2020;
  - d) State actors in electoral processes workshop held from 13<sup>th</sup> to 16<sup>th</sup> June, 2021 at Great Rift Valley Lodge in Nakuru;
  - e) Drafters Retreat with composition from State actors in electoral processes held from 4th to 7th July 2021 in Naivasha;
  - f) Political Parties' Secretaries-General Meeting Held from 27th to 30th July 2021 at Sarova Woodlands, Nakuru County;
  - g) Political Parties Liaison Committee Meeting held on 3<sup>rd</sup> August 2021 at Tamarind Tree Hotel in Nairobi on the Draft Political Parties (Amendment) Bill, 2021;
  - h) Meeting between Office of the Attorney General, IEBC and ORPP held on Tuesday, 27th July 2021
  - i) Memoranda by the Council of Governors;

National Development Implementation Technical Committee (NDITC) - Legal Sub-Committee

meeting held on 31st August, 2021; and

A Meeting between Office of the Attorney General and ORPP 10th September 2021;

5.2. Stakeholders participated in offering proposals that culminated into the development of the

present instrument. The Regulations are therefore a product of the combined effort between

the Office of the Registrar of Political Parties and the said stakeholders.

6. Regulatory Impact Assessment

6.1. Pursuant to Section 9 of the Statutory Instruments Act No. 23 of 2013 there is no justification for a

regulatory impact statement given that this instrument is based on an existing Statute. Further, the

Political Parties (Membership) Regulations, 2021 does not operate to the disadvantage of any

person by decreasing the rights or imposing liabilities on of any person.

7. Guidance

7.1. The Office of the Registrar of Political Parties by developing this instrument to address the

implementation of the Political Parties Act, 2011 has remained true to the national values and

principles of governance with respect to execution of duties in line with the rule of law.

7.2. Reaffirming the Office of the Registrar of Political Parties' mandate to ensure that political parties

are compliant with the provisions of the Political Parties Act, 2011 including implementation of

Chapter 7 of the Constitution, the Office of the Registrar of Political Parties will sensitize the public,

Office's staff, political parties, civil society organizations, media, state actors on the provisions of

the instrument.

8. Contact Persons

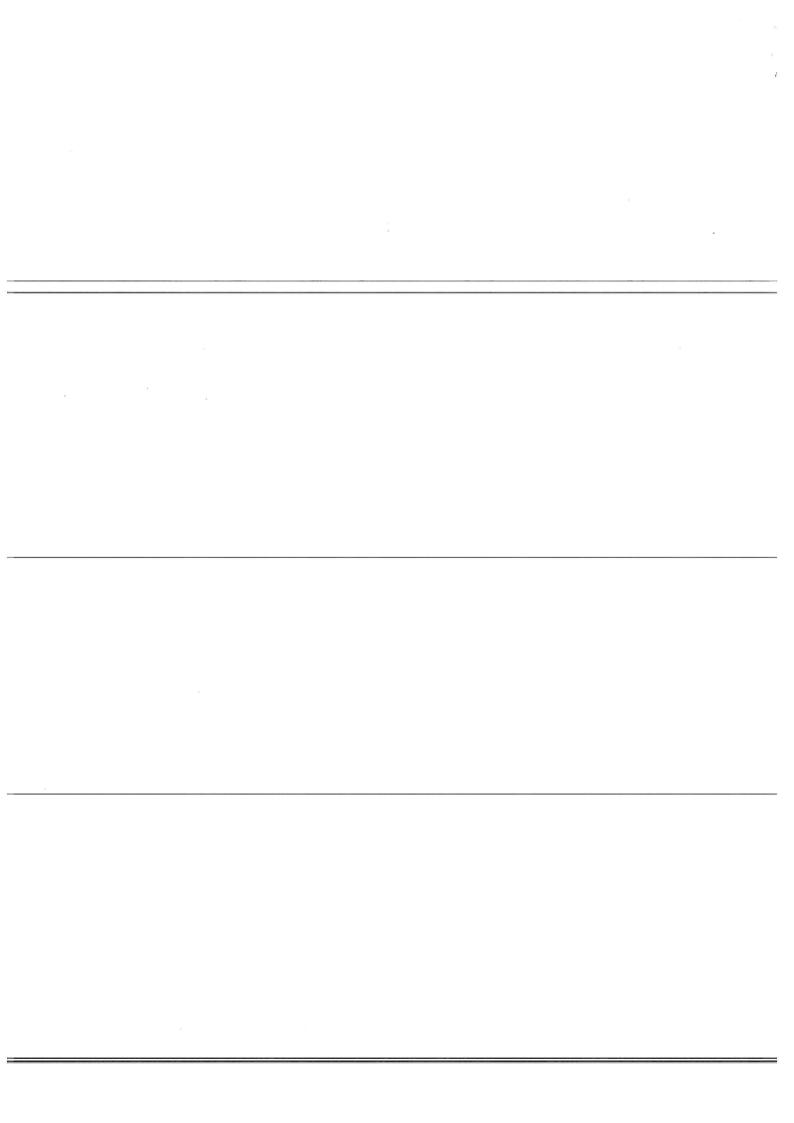
The contact person for purposes of answering questions on this statutory instrument from the

Office of the Registrar of Political Parties is the Registrar of Political Parties, Ann N. Nderitu

through: info@orpp.or.ke

Made on the 13th day of ... It was ..., 2022

Ann N. Nderitu, MBS Registrar of Political Parties







# ACTIVITY: DRAFTING RETREAT ON AMENDMENT OF THE POLITICAL PARTIES ACT, 2011

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DATE: 38/2021

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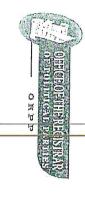
ACTIVITY: PPLC MEETING ON AMENDMENT OF THE POLITICAL PARTIES ACT, 2011  $\mathcal{L}_{\mathcal{A}}$   $\mathcal{L}_{\mathcal{A}}$ VENUE: TAMARIND TREE HOTEL, NAIROBI

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ACTIVITY: PPLC MEETING ON AMENDMENT OF THE POLITICAL PARTIES ACT, 2011 VENUE: TAMARIND TREE HOTEL, NAIROBI

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## PARTICIPANT SIGN -IN FORM



NAME OF ACTIVITY: MEETING WITH SECRETARY GENERALS OF ALL FULLY REGISTERED POLITICAL PARTIES

LOCATION: SAROVA WOODLANDS, NAKURU

DATE: 27<sup>TH</sup> TO 30<sup>TH</sup> JULY 2021

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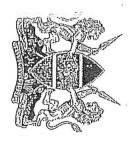
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## PARTICIPANT SIGN -IN FORM



## 29.07.2021



NAME OF ACTIVITY: MEETING WITH SECRETARY GENERALS OF ALL FULLY REGISTERED POLITICAL PARTIES

DATE: 27TH TO 30TH JULY 2021

LOCATION: SAROVA WOODLANDS, NAKURU

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NAME OF ACTIVITY: MEETING WITH SECRETARY GENERALS OF ALL FULLY REGISTERED POLITICAL PARTIES

DATE: 2774 TO 3074 JULY 2021

LOCATION: SAROVA WOODLANDS, NAKURU

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