



#ICPAKannualesem2018



MEMBERS' Handbook



2019 Edition

INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS OF KENYA

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ACKNOWLEDGEMENT

This members' handbook has been made possible through encouragement and support from various contributors to whom we are greatly indebted. The team that compiled this handbook was headed by CPA Nebart Avutswa assisted by Mbugua Njoroge, Valery Alusa, David Isiye, the Member Services Committee and ICPAK team leader CPA Edwin Makori. The team put in extra

effort and hours to ensure the successful publication of this handbook. We would also like to acknowledge the assistance of the Professional Services Department at the Institute of Certified Public Accountants of Kenya for their constant encouragement and assistance in ensuring the time lines set for the production of this handbook are met and that it meets its objectives.

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ABBREVIATIONS AND ACRONYMS

CVI	-	Content Validity Index
I/OM	-	Industrial Organization Model
ICT	-	Information and Communication Technology
IT	-	Information Technology
JKIA	-	Jomo Kenyatta International Airport
NSE	-	Nairobi Securities Exchange
CMA	-	Capital Markets Authority
PSASB	-	Public Sector Accounting Standards Board
OPC	-	Order of Professional Accountants of Burundi
ICPAR	-	Institute of Certified Public Accountants of Rwanda
ICPAU	-	Institute of Certified Public Accountants of Uganda
NBAA	-	National Board of Accountants and Auditors
EACIAS	-	East African Community Institutes of Accountants
ICAEW	-	Institute of Chartered Accountants in England and Wales
KASNEB	-	Kenya Accountants and Secretaries National Examinations Education Board
IPSAS	-	International Public Sector Accounting Standards
ACCA	-	Association of Chartered Certified Accountants
PAFA	-	Pan-African Federation of Accountants
IFAC	-	International Federation of Accountants
PSC	-	Professional Standards Committee
RDC	-	Research and Development Committee
MSC	-	Member Services Committee
PPG	-	Public Policy and Governance Committee
ARC	-	Audit, Risk and Compliance Committee
FSC	-	Finance and Strategy Committee
CPA	-	Certified Public Accountants
CPAK	-	Certified Public Accountants of Kenya
FiRe Award	-	Financial Reporting Award
KCA	-	Kenya College Accountants
ZICA	-	Zambia Institute of Chartered Accountants
SAICA	-	South African Institute of Chartered Accountants
PII	-	Professional Intellectual Indemnity
AGM	-	Annual General Meeting
FCPA	-	Fellow of the Institute of Certified Public Accountants of Kenya
CEO	-	Chief Executive Officer
HCPA	-	Honorary member of ICPAK.
Ksh	-	Kenyan shillings

A GUIDE TO MEMBER SERVICES

This handbook highlights the services offered by the Institute of Certified Public Accountants of Kenya (ICPAK) such as Education, Training, Professional support to members, Corporate Social Responsibility (CSR),

Advocacy, Corporate events, among others. Through interaction with ICPAK, one is guaranteed access to various networking opportunities and professional development amongst a host of other benefits.



Who we are

The Institute of Certified Public Accountants of Kenya is the statutory body of Accountants established in 1978 under Accountants Act. No. 15 of 2008. The Institute is mandated to develop and regulate the Accountancy profession

in Kenya. It is a member of the International Federation of Accountants (IFAC) the global Accountancy Umbrella body and Pan African Federation of Accountants (PAFA) since 1980.

Vision

A world class professional Accountancy Institute.

Mission

To develop and promote an internationally recognized accountancy profession that upholds public interest through effective regulation, research and innovation.

Our Core Values

- | | | |
|------------------------|---|---|
| Credibility | : | We resolve to promote high ethical standards in accounting practice and reinforce our mandate of championing public interest. |
| Professionalism | : | We maintain a high level of knowledge, skills and standards as we provide excellent services to our members and stakeholders. |
| Accountability | : | We are obliged to account for our activities, accept responsibility for our actions and conduct our operations in a transparent manner. |

Our Mandate

- | | |
|---|--|
| a) Promote standards of professional competence and practice amongst members of the Institute; | c) Promote the international recognition of the Institute; |
| b) Promote research into the subjects of accountancy and finance and related matters, and the publication of books, periodicals, journals | d) Advise the Minister on matters relating to financial accountability in all sectors of the economy; |
| | e) Advise the Examinations Board on matters relating to examinations and articles in connection therewith; |

- f) standards and policies; To carry out any other functions prescribed for it under any of the other provisions of this Act or any
- g) other written law and; To do anything incidental or conducive to the performance of any of the preceding functions.

The Role of the Council

The Council is the governing body of ICPAK and is responsible for the overall governance of the Institute. It comprises non-executive members including the chairman and six members elected from among the Institute's membership. In addition, two members of the Council are nominated by the Cabinet Secretary. Out of these two, one is drawn from the National Treasury and the other from a profession other than Accountancy and represents users of accounting services. One Council member represents the Capital Markets Authority, a body charged with the regulation and development of the Capital Markets in Kenya. One other member of the Council is nominated by the Kenya Accountants and Secretaries National Examination Board (KASNEB) a body charged with overseeing and administering the professional accountancy examinations in Kenya. The roles of the Council as stipulated in the Accountants' Act include:

- i. Issuing standards of professional practice, including accounting and auditing standards which shall form the basis of accountancy practice for members in the preparations, verifications and auditing of the financial statements.
 - ii. Issuing by-laws, regulations and guidelines to govern matters affecting the operations of the Institute.
- Other functions and roles of the Council include:
- iii. Strategic Leadership: Approving, monitoring and guiding the implementation of the Institute's Strategic Plan.
 - iv. Performance Evaluation: Setting performance targets and reviewing the Institute's results to ensure the achievement of operational plans.
 - v. Integrity of Financial Reporting: Reviewing and monitoring controls, policies and procedures put in place to ensure integrity in the Institute's accounting records and financial statements.
 - iv. Risk Management and Compliance: Monitoring and reviewing the policies and procedure put in place by management to ensure various risks facing the Institute are effectively mitigated and various regulatory and legislative requirements are complied with.

MEMBERSHIP

Categories of Membership

- Associate category
- Full member
- Practicing member
- Overseas Membership
- Fellows
- Retired
- Trainee Accountants

Associate

This category was introduced in 2010, with a view of enrolling CPA graduates with no work experience as members of ICPAK. The members in this category are required to identify mentors who will walk with them in the journey of acquiring vital skills required to work effectively as an accountant. Associate members are expected to gain the requisite experience for a period of three years before they transition to full membership. Members in this category may extend by another three years if they may not have the required experience in the initial three years after which they will be dropped off if they fail to get the required experience.

The charges for this category are Ksh. 3700 comprising of registration fee of Ksh. 500 and 3200 being then annual subscriptions.

Full members

This membership is open to those who have completed the professional accountancy examinations commonly known as CPA examinations offered by KASNEB. Those with other accounting qualifications from other countries also

eligible for membership subject to fulfilling additional requirements.

Registration process is as follows:

1. Complete the membership application form that is available at www.icpak.com.
2. Pay application fee of KShs. 27,200.00. Once you become a full member you are required to pay an annual fee of KShs. 11,200.00

Non-Practising Member

Membership open to; all CPA graduates who have experience of three years or more, holders of Foreign Accountancy Qualifications as specified in section 26(2) of the Accountants Act.

N/B: One is not allowed to offer audit or accountancy services to the public and for this, one needs to apply to get a practising certificate.

Practicing member

You must be a non-practicing CPAK with five years of practical experience in external audit obtained from an audit firm in good standing with ICPAK.

Non-Practicing members who are in good standing with the Institute are issued with an annual license after completing the registration process.

Overseas Members

This category is suitable for you if you reside outside Kenya. Application fee for this category is Ksh. 27, 200.00 for Kenyan Citizens and Ksh. 29, 200.00 for foreigners.

Applicable annual fee in this category is Ksh. 8, 950.00 The rates are inclusive of benevolence fund of Ksh. 1, 200.00 Current contacts are used as proof of residence. Members have the responsibility of updating the Institute's database as and when they change places of work or residence.

Retired

This applies to a member who attains the age of 60 years and above. This member qualifies for honorary retirement whilst enjoying full membership benefits at an annual membership fee of Kshs 3, 750.00. Non-practicing retired members are in addition exempted from CPE requirements.

Fellows

A fellow is a registered member of the Institute in accordance with Section Section 4 of the Accountants Act, No 15 of 2008 (revised) and meets the requirements as prescribed by Council and pursuant to an invitation of Council admitted as a fellow and can use the designation FCPA. This category applies to members who have contributed to the accountancy profession in a recognizable way.

What is the criteria for admission as a fellow?

A registered member of the Institute can be awarded fellowship if the member:

- Has been a member of the Institute for a minimum continuous period of

10 years;

- Demonstrated leadership in the profession as evidenced by their responsibilities in employment , business or public practice and by contribution(s) made to the Institute or other similar professional association and to the country at large;
- Has received a commendation (that is in force in the period under consideration) from the Institute and at least two years must have passed since the award of the commendation ; OR
- The Council may at its own discretion award the fellowship to any of its members as it deems fit. These members may not have met all the above criteria but have made numerous contributions to the profession.

What is the Process of receiving Fellowship?

- At the discretion of Council, Council will call for nominations from members of the Institute interested in being awarded Fellowship within a prescribed period of time as so ordered by Council.
- The Council will prescribe the format and the information to be contained in the application process.
- Upon expiry of the period for application and nomination, the Council will constitute a committee made up of three members of Council who shall consider the applications and give recommendations to Council for the award. The decision of the Council will be final.

Current Fellows of the Institute:

No.	Membership No.	Name	Year
1	250	FCPA Hon. Mathias Benedict Keah	1985
2	017	FCPA Raghbir Singh Saini	1985
3	094	FCPA Thomson S Aikman	1985
4	153	FCPA Erastus K Gitau	1986
5	205	FCPA Shantilal K Shah	1986
6	243	FCPA Abdulaziz B Harji	1986
7	530	FCPA Zulfigarali Alibhai	1987
8	417	FCPA Ndung'u Githinji	1989
9	453	FCPA James Boyd McFie	1989
10	009	FCPA K L G Sinclair	1990
11	506	FCPA John Lee	1990
12	1148	FCPA Prof. J H Kimura	1990
13	835	FCPA M E C Taylor	1990
14	249	FCPA James Ngatia Muguiyi	1991
15	043	FCPA Samuel Wamutu Waiganjo	1991
16	863	FCPA Ratilal Naran Mistry	1991
17	0123	FCPA A.S Gray	1991
18	0021	FCPA Peter T Kanyago	1992
19	0055	FCPA Harilaj J Nathwani	1992
20	0185	CPA Nguru Wachira	1992
21	1246	FCPA Edward O Odundo	1993
22	976	FCPA Maurice M Wangutusi	1993
23	388	FCPA Antony P Davis	1993
24	061	FCPA Charity M Muya	1993
25	029	FCPA Charles D K Arap - Kirui	1993
26	0260	FCPA Joseph Kimani Chege	1996
27	1452	FCPA Amos Kimunya	1996
28	0960	FCPA Charles Kahara Muchene	1996
29	0528	FCPA Abdulwahid M H Aboo	1996
30	0588	FCPA Hezekiah Wang'ombe Gichohi	1996

	Membership No.	Name	Year
31	1137	FCPA Prof Nzele D Nzomo	1997
32	1331	FCPA Stephen Lugalia	1997
33	956	FCPA Shaira Adamali	1997
34	322	FCPA Azim J Virjee	1997
35	270	FCPA Vivien M Allen	1997
36	968	FCPA Alphan Njeru	1997
37	1759	FCPA Upin Vasani	1997
38	741	FCPA Michael G Waweru	1997
39	1109	FCPA Valentine Gitohu	1997
40	853	FCPA Nelly J Ngigi	1997
41	1143	FCPA Joseph Wangai	1997
42	1635	FCPA Rose N Ogega	1997
43	0001	FCPA Wilson Ogot	1998
44	0178	FCPA ZG Datoo	1998
45	0959	FCPA Dr. Kinandu Muragu	1998
46	0963	FCPA Francis J Kivuli	1998
47	1151	FCPA D O Were	1998
48	1186	FCPA P B Bhatia	1998
49	1236	FCPA J K Njiraini	1998
50	1107	FCPA Moses M Muriithi	1999
51	1083	FCPA Geoffery G Karuu	1999
52	1772	FCPA SVK Sastry	1999
53	1628	FCPA Paraag R Devani	1999
54	1602	FCPA Francis K Mugo	2000
55	1200	FCPA Satish Charda Jain	2000
56	0874	FCPA Henry Obwocha	2000
57	1497	FCPA Agnes Njeri Lutukai	2004
58	2362	FCPA Ashif Saddrudin Kassam	2004
59	2329	FCPA Patrick Mtange	2005
60	3031	FCPA Jonathan Ciano	2005
61	2417	FCPA Erastus Kwaka Omolo	2006
62	1740t	FCPA John Odhiambo Mudany	2006
63	876	FCPA Patrick Kamau 2006	2006

No.	Membership No.	Name	Year
64	2447	FCPA Joseph Karuri Gichuki	2008
65	1813	FCPA Sunirmal Matra	2008
66	2378	FCPA Anne Elizabeth Owuor	2008
67	1305	FCPA Eric Munene Kimani	2008
68	0772	FCPA Owen Njenga Koimburi	2008
69	1346	FCPA Jackson Maingi	2008
70	1383	FCPA Michael Maina Itote	2008
71	2447	FCPA Gichuki Joseph Karuri	2008
72	1766	FCPA Michael Gatimu	2008
73	1185	FCPA Charles A. Kasee	2009
74	1272	FCPA Kariithi Murimi	2010
75	2162	FCPA Justina Nthenge	2010
76	949	FCPA Joshua Kerrets	2010
77	2383	FCPA Benjamin Kamanga	2010
78	1777	FCPA Lucy Njoroge	2010
79	1379	FCPA Lucy Njeri Karanja	2010
80	1502	FCPA Alloys O. Aboka	2010
81	1698	FCPA Richard Ndung'u	2010
82	3031	FCPA Jonathan Ciano	2010
83	2329	FCPA Patrick Mtange	2010
84	858	FCPA John Kanyori Geita	2010
85	1967	FCPA Joan Riitho	2010
86	1329	FCPA Mary Muigai	2010
87	1456	FCPA Rajan Shah	2010
88	1766	FCPA Michael Gatimu	2010
89	3556	FCPA Pius Nduati	2010
90	4191	FCPA Caroline Jebet Kigen	2010
91	1080	FCPA William Ogara	2010
92	1121	FCPA Lazaro Akunga Kimang'a	2012
93	1691	FCPA Julius Wahome Wokabi	2012
94	1907	FCPA Charles Githinji Gathuto	2012
95	2248	FCPA Felicitas Therero Irungu	2012
96	3183	FCPA Benard Ouma Siero	2012
97	2182	FCPA David Gerishon Muchungu	2013

No.	Membership No.	Name	Year
98	2520	FCPA Nikihil Hira	2013
99	2520	FCPA Said Abeid Said	2013
100	2918	FCPA Farnandes Barasa	2013
101	2979	FCPA Isaak shabir Isack	2013
102	2990	FCPA Julius Mwatu	2013
103	3913	FCPA Nicholus Kibowot Letting	2013
104	10797	10797 FCPA Isaiah Kimani	2013
105	1034	FCPA Anne Ericksson Ooga	2013
106	1123	FCPA Agnes Nangira Odhiambo	2014
107	1182	FCPA Abdul Samji Ahmed	2014
108	1211	FCPA Edward Rakwar Ouko	2014
109	1651	FCPA Richard Njoroge Githinji	2014
110	1723	FCPA Muthoni Wangai	2014
111	1963	FCPA John Mutteru Kabiru	2014
112	2063	FCPA Eric Etale Aholi	2014
113	2181	FCPA Kellen Eileen Kariuki	2014
114	2309	FCPA Wycliffe Ambetsa Oparanya	2014
115	3557	FCPA Martin Kisuu Musau	2014
116	407	FCPA Francis Wanganju	2014
117	1356	FCPA James David Kabeberi	2015
118	1825	FCPA Hon. Billow Adan Kerrow	2015
119	2054	FCPA David Baiya Mburu	2015
120	2348	FCPA Benson Ochieng Okundi	2015
121	2686	FCPA Rosemary Gituma Kinanu	2015
122	3199	FCPA Abdullahi Mohamad Ahmed	2015
123	3216	FCPA Yusuf Omari Kungu	2015
124	3394	FCPA Tom Omariba Oyugi	2015
125	6696	FCPA John Erick Ouko Rero	2015
126	2383	FCPA Benjamin Kamanga	2015
127	2536	FCPA Tom Gitogo Mbutia	2015
128	3542	FCPA George Rutto Kipkoech	2015
129	1441	1441 FCPA Rajesh Keshavlal Shah	2016
130	3136	FCPA George Mokua Obiria	2016

131	3286	FCPA Michael Ochieno Mugasa	2016
132	2648	FCPA DR Erick Rading Outa	2017
133	0945	CPA Hon. Thomas L. Mwadeghu	2018
134	1043	FCPA Zachary Machogu Abuta	2018
135	4295	FCPA Evans Mulera	2018

Award of honorary fellowship of the Institute - HCPA

Honorary Fellowship is awarded to people who are not necessarily professional accountants but have immensely con-

tributed to the growth of the accountancy profession. The Institute so far has bestowed this prestigious award to:

No.	Name	Year
1.	HCPA H.E Mwai Kibaki	2003
2	HCPA D.M Oluoch	2015

Membership growth statistics

	Associate Members	Full Members	Practicing Members	FCPAs
2010		1332	55	18
2011	45	1018	67	
2012	49	1241	85	06
2013	130	1436	71	08
2014	318	1539	65	11
2015	551	4497	41	13
2016	520	1636	78	10
2017	452	1183	72	01
2018	468	2428	78	03

What to Expect as an ICPAK member

Right to use of the ICPAK designation. The new Accountants Act No. 15 of 2008 provides that only those who are members of ICPAK may describe themselves as "An Accountant" and therefore use the prefix CPA.

Members regularly enhance their professional skills through the CPD (Continuing Professional Development) Programs.

- Gain access to Guidelines and other technical materials as well as support from a highly qualified and dedicated secretariat team

to guide so you can better understand and implement internationally recognized financial reporting and management standards.

- As a member, you have an opportunity to participate in the profession's standard setting through comments to exposure drafts that are disseminated to all members regularly.
- Opportunities for networking with colleagues and other business partners by virtue of being a member of an exclusive group of professional business leaders through our CPD and ICPAK Corporate events



A section of ICPAK members following proceedings during the 34th Annual Seminar held in May 2018 in Mombasa. The Annual seminar is the flagship CPD event for ICPAK

- Representation of member's professional interests through relationship building with related partners, technical commentaries and lobbying to relevant partners.
- ICPAK advocates for the recognition of its members by promoting the CPAK designation, both locally and internationally.
- ICPAK promotes the reputation of the profession by having its members abide by a code of ethics
- Members are positioned as socially responsible professionals through the various Corporate Social Responsibility Programmes ICPAK undertakes.



Delegates who participated in the ICPAK Annual Charity Golf tournament that was held at Vipingo Ridge in Mombasa in May 2018.



Delegates share a light moment with children of Wana Wa Mola Children's home in Mombasa in May 2018.

You gain access to other value adding services such as:

Access to the CPA Centre facilities

The CPA Centre facilities can be hired by ICPAK members at a 20% discount.



- OFFICES
- BANKING HALLS



KCA University

Benefits

ICPAK members shall benefit from discount on tuition fees paid for the benefit of members as follows

<i>Member</i>	-	20%
<i>Spouse</i>	-	10%
<i>Dependent</i>	-	10%

ICPAK members shall have access to KCA University Library facilities and may borrow library resources for use

outside and

within the facility. ICPAK members will be allowed a 20% discount on use of KCA grounds; (if availability of the same is certified by the management)

Access Requirements

Letter of good standing and ICPAK Members' Smart Card

Other Benefits

The Association of Chartered Certified Accountants (ACCA)



Think Ahead

ICPAK members now earn the maximum exemptions of 9 papers out of the 13 papers from ACCA (subject to KAS-NEB completion date). This means that you will only need to sit for the 4 strategic professional level papers of ACCA. ACCA offers eligible ICPAK members preferential fees on registration and exemptions, which provides a saving of KES 74,000 per member.

What does this mean for ICPAK members?

- Initial registration - £32 instead of £79
- Annual subscription – £53 instead of £95 for the first year
- Exemption fees – 50% waiver on all the exemptions

Enhanced professional capacity building in Kenya and the East Africa region

with provision for members in good standing from both accounting bodies to obtain reciprocal CPD Hours.

Both partners also share monitoring and disciplinary approach, governance model, and member engagement approaches. To provide access to the profession, as well as offering more choice to develop careers. ICPAK members have access to ACCA's internationally recognized designation and unrivalled global network. ICPAK members access ACCA's Certificate in International Public Sector Accounting Standards (CERT IPSAS), which aims to develop expertise in public sector financial reporting.

Access Requirements

ICPAK member in good standing



Institute of Chartered Accountants of England and Wales (ICAEW)

The MoU enables appropriately qualified members of either institute to join the other institute by receiving appropriate credit for their existing accountancy qualification. Qualified ICPAK members are eligible to apply for ZICA, ICAEW membership on the same basis as ICAEW with minimum qualification.

ICAEW grants credit to appropriately

qualified ICPAK members or Associate members for all papers of the ICAEW's Certificate and Professional Level examinations. ICPAK member joining ICAEW is eligible for an ICAEW practicing certificate on the same basis as ICAEW members having completed the requirements for membership. ICAEW also oversees training via its authorized training employer scheme on practical work experience to ICPAK members seeking membership

Access Requirements

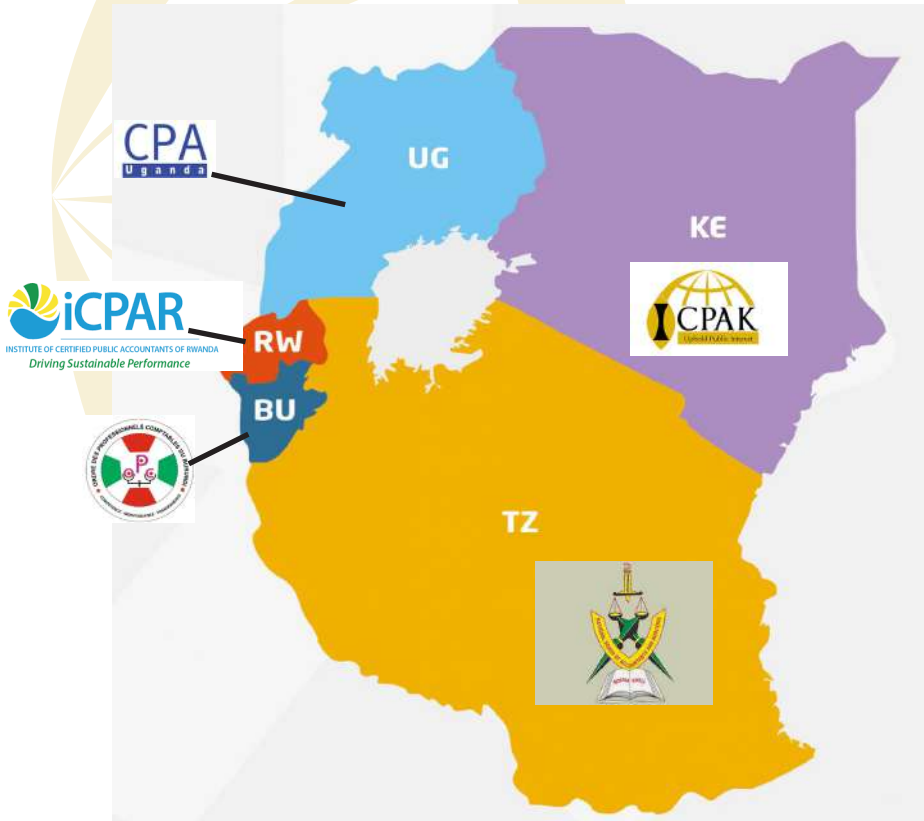
Only members with no adverse disciplinary findings made against them, no outstanding complaints pending

investigation and no ethical issues. Members who have confirmed their compliance with the CPD requirements.

East African Community Institutes of Accountants (EACIAs)

Mutual Recognition Agreement (MRA) among: Institute of Certified Public Accountants of Kenya - ICPAK; Institute of Certified Public Accountants of Rwanda - ICPAR; Institute of Certified

Public Accountants of Uganda - ICPAU; The National Board of Accountants and Auditors of Tanzania- NBAA; and The Order of Professional Accountants of Burundi - OPC.



Benefits

- To develop Accountants' Profession common standards and complying with IFAC standards for Quality improvement within the East Africa Region.
- To enlarge EAC public choice of profession accountancy thus increasing business opportunities for professional accounts.
- To enlarge the EAC public's choice of professional accountancy service providers.
- Reciprocity arrangements; recognition of qualifications of Accountants from the EACIAS will be recognized by another EACIAS.
Existing members of EACIAS who had been registered based

on foreign accountancy qualification and in good standing in EACIAS.

Access Requirements

The qualifications of any Accountant from the EACIAS is recognized by another EACIA only if it is demonstrated that the professional accountant has;

- Completed a professional accountancy course as per the International Education Standards
- Obtained the requisite practical experience in accordance with national laws of the home country.
- Is a member in good standing of the respective EACIA

South African Institute of Chartered Accountants (SAICA)



Benefits

MOU serves ICPAK members resident in South Africa to:

- Access CPD events and material at local member rates.
- Access SAICA networking events on the same basis as made available to local members.
- Access the on-line version of SAICA's monthly journal (Accountancy SA) and SAICA's bi-weekly communication on new developments in the profession mainly on accounting, auditing, taxation and other

Access Requirements

All ICPAK members' resident in South Africa

Zambia Institute of Chartered Accountants (ZICA)



Benefits

ICPAK members residing in Zambia are recognized as full members of ZICA by virtue of ICPAK membership, after complying with any minimum regulatory requirements.

ICPAK members upon gaining ZICA membership can pay subscription to the host body at local rates. ZICA to admit ICPAK members to Continuing Professional Development (CPD) events and materials at local member rates. ICPAK members to access ZICA networking events on the same basis

as made available to local members. ICPAK members to have access to ZICA affinity Programmes at local member rates. ICPAK members access to access ZICA's professional journal (The Accountant).

Access Requirements

Only members with no adverse disciplinary findings made against them, no outstanding complaints and pending investigation and no ethical issues. Members who have confirmed their compliance with the CPD requirements.

Hilton hotel, Nairobi/ICPAK MoU

Brief

The MoU signed on 30th July 2015 and which is to be reviewed annually is to provide ICPAK members with special discounts on accommodation, health

club services, laundry and cleaning services, restaurant and bar services and business meeting space.



Benefits

Discounts of 15% on East African Resident rates for accommodation,

15% on daily membership at the health club, 15% on massage services (advance booking is required), 15% on laundry and dry cleaning at the Hilton Nairobi Laundry shop, 15% on Restaurant and

bar bills at the Food & Beverage outlets. Special discount for banquets and conference meetings (upon request and subject to availability of space).

Access Requirements

ICPAK members Smart Card, for identification.

CPAK



Pictorial representation of some of the services offered at Hilton Hotel.



Brief

Signed on 7th May 2015 for a term of one year to provide value to all ICPAK members on products and services from Simba Corp at preferential rates and discounts.

Benefits

Provide and sell to members of ICPAK and their dependents' motor vehicles, genuine motor vehicle parts and offer services at preferential rates at any of its head offices location and branches countrywide.

SIMBA CORP will share with ICPAK members finance arrangements already in place with banks and other financial institutions to facilitate the purchase of new SIMBA CORP motor vehicles, where feasible.

Preferential Rates & Discounts.

1. Discounts on purchase of private vehicles:

- a) Mitsubishi Pajero Sport 7.5 %
- b) Mitsubishi Pajero 5%
- c) Mitsubishi Outlander 5%
- d) Mitsubishi ASX 5%
- e) Mitsubishi Lancer 5%
- f) Renault Duster 7.5%
- g) Renault Koleos 7.5%
- h) Renault Fluence 7.5%
- i) Mahindra range of vehicles 7.5%
- j) Geely LC Cross and EMGRAND EC7 models 7%





a) BMW range of vehicles and motorbikes (discount on a case by case basis)

2. Discount on purchase of commercial vehicles;
 - Mitsubishi FUSO Trucks – 5%
 - FUSO Caners – 5%
 - Mitsubishi FUSO Buses – 5%
3. Discount on Purchase of Tractors and Implements
SAME Tractors and OTMA Implements 7.5% discount
Purchase of Generators:
AKSA range 7.5% discount.
5. Purchase of genuine spare parts for all above models - 20% discount, except for

BMW vehicles and motorbikes which will be dealt with on a case by case basis.

6. Simba Car Rental Services: AVIS brand – 10% on rate card

7. Access Leasing and Hire Purchase options available at competitive rates.

8. Fleet management and tracking solution – discounts on a case by case basis.

Access Requirements

ICPAK members Smart Card, for identification



County Events Promotions



Brief

Partnership entered on 20th May 2015 to develop and maintain ICPAK app dubbed ICPAK LiVE.

Benefits

The application enables members to:

- Interact with the Institute in real time,
- Socialize with their professional peers,
- Access upcoming events and news,
- Earn CPD points by watching live streamed events and recorded videos.
- Members are able to update their membership details including CPD records, post technical queries to the Institute (Standards & Compliance Dept.) and give feedback to the Institute.

Access Requirements

All members of the Institute on Android OS Platform mobile phone application.



ICPAK Audit Software



The Institute has launched an audit software for its first Audit Software. This is a computer programs designed to assist in examining and testing clients' accounting records. Auditing management software is a great tool to streamline productivity and guarantee quality, especially in fields with many compliance and safety regulations.

The purpose of the ICPAK Audit Software is to help the Institute's practitioners improve their audit quality while conducting the audit process. The software aims at enhancing audit quality as well as members compliance with the

requirement of auditing standards while conducting the audit process. It is hoped that through this software audit quality will improve compliance.

The software can be accessed by visiting:

<https://myaudit.icpak.com>





THE ROOTS OF PERSONAL FREEDOM

Mhasibu SACCO/ICPAK MoU

Brief

An MoU was signed on 28th June 2016 between ICPAK and Mhasibu SACCO, setting out statement of the partners to establish a framework for the provision of services to its members at preferential rates and to facilitate fulfillment of their respective mandates;

Benefits

Mhasibu undertakes to;

1. Allow ICPAK members the same rates as Mhasibu members on purchasing Plots, Space Shares and other products from SACCO's subsidiaries, other organizations.

2. Develop a loan product at an interest rate of 10.5% for members of Mhasibu to facilitate;
 - i. Registration fees/subscription fees settling with ICPAK.
 - ii. Seminar/conference fees settling with ICPAK
 - iii. To allow ICPAK members to enjoy relevant member benefits negotiated by Mhasibu with

Access Requirements

ICPAK members in good standing and ICPAK members' smart card.

Toyota Kenya Limited



Benefits

ICPAK members qualify for a; 3.5% discount on the retail price on purchase of private cars, 4.5% discount on the retail price on the purchase of commercial cars, 15% discount on purchase of genuine Toyota spare parts, 15% on labor for repairs and maintenance service of pre-owned and locally acquired Toyota motor vehicles. ICPAK members acquire finance to purchase new Toyota vehicles through its in-house financing company Tsusho Capital Kenya Limited, at preferential rates and low deposits.

Access Requirements

ICPAK members' smart card



APA Insurance Kenya Limited



Rate	3.5% subject to Min premium of Kshs. 15,000.00
Towing extension	Free up to a limit of Kshs. 50,000.00 (10% additional premium where value exceeds Kshs. 50,000.00)
Radio Cassette Extension	Free up to a limit of Kshs. 50,000.00 (10% additional premium where value exceeds Kshs. 50,000.00)
Windscreen Extension	Free up to a limit of Kshs. 50,000.00; 10% additional premium will be charged in excess.
Emergency medical expenses to the Insured and Third Parties	Free up to a limit of Kshs. 50,000.00. Political violence/Terrorism cover free Excess protector free
Valuation	Free
Loss of use extension	Car hire subject to maximum Kshs. 30,000.00 for more than 14 days' subject to additional Kshs. 3,000.
Excess	No blame no excess subject to proof (police abstract)
Other Risks	Riot and strikes – Free political violence and terrorism - Free
Other extensions	AA membership at Kshs. 3,000.00 per year

Access Requirements

ICPAK members' smart card

UAP Insurance Co. Limited



Better. Simple. Life.

Rate	3.5% subject to Min premium of Kshs. 12,000.00
Towing extension	Free up to a limit of Kshs. 30,000.00. towing charges reimbursed upon claim
Radio Cassette Extension	Free up to a limit of Kshs. 50,000.00 (ordinary MP3 System) (10% additional premium where value exceeds Kshs. 50,000.00)
Windscreen Extension	Free up to a limit of Kshs. 50,000.00
Emergency medical expenses to the Insured and Third Parties	Free up to a limit of Kshs. 50,000.00 Political violence/Terrorism cover free Excess protector free
Valuation	Car hire subject to maximum Kshs. 30,000.00 for more than 14 days' subject to additional Kshs. 3,000.
Excess	No blame no excess subject to proof (police abstract)
Other Risks	Riot and strikes – Free provided members are not participants Political violence and terrorism – Free Free extension to cover acts of nature such as floods

Access Requirements

ICPAK members' Smart Card

Britam General Insurance Co. Kenya Ltd



Rate	3.5% subject to Min premium of Kshs. 30,000.00
Towing extension	Free up to a limit of Kshs. 50,000.00. towing charges reimbursed upon claim
Radio Cassette Extension	Free up to a limit of Kshs. 50,000.00 (ordinary MP3 System) (10% additional premium where value exceeds Kshs. 50,000.00)
Windscreen Extension	Free up to a limit of Kshs. 50,000.00; 10% additional premium will be charged in excess.
Emergency medical expenses to the Insured and Third Parties	Free up to a limit of Kshs. 50,000.00 Political violence/Terrorism cover free Excess protector free
Valuation	Free
Loss of use extension	Car hire subject to maximum Kshs. 30,000.00 for more than 14 days' subject to additional Kshs. 3,000.
Excess	No blame no excess subject to proof (police abstract)
Other Risks	Riot and strikes – Free provided members are not participants. Political violence and terrorism – Free. Free extension to cover acts of nature such as floods
Other extensions	AA membership at Kshs. 3,000.00 per year
Other Risks	Riot and strikes – Free provided members are not participants Political violence and terrorism – Free Free extension to cover acts of nature such as floods

Access Requirements

ICPAK members smart card

YANA

AFRICA RIDES ON YANA TYRES



Yana Tyres Centres Limited

Benefits

ICPAK members will get the following products and services:

- 40% discount on car wash inclusive of vacuum cleaning
- 33.3% discount on alignment services
- Free fitting and balancing of tyres purchased
- 5% over and above the normal maximum discount extended to walk in clients on all the tyres excluding any tyres on promotion.

Access Requirements

ICPAK members smart card



Tintoria Limited

Benefits

In all Tintoria Drycleaners outlets, ICPAK members will receive a discount of 25% on cost of cleaning service of their garments.

Access Requirements

ICPAK members smart card



Tintoria Drycleaners



Toyota Service Centre

Benefits

- i. 15% discount of the retail price for the purchase of genuine Toyota parts.
- ii. 15% discount on labor of the going rates.
- iii. Free car wash
- iv. Free safety checks
- v. Free diagnosis and quotations
- vi. Guaranteed genuine and authentic parts
- vii. While you wait servicing
- viii. Quick lane service within 60 minutes

- ix. Collection and delivery of vehicles (subject to availability and location)
- x. Drop off to town center at specific points

Access Requirements

ICPAK members smart card



Tally Solutions Kenya Limited

Tally

POWER OF SIMPLICITY

Brief

Tally solutions is a pioneer for developing software for small and medium businesses with over thirty years of experience for developing software for businesses from diverse backgrounds in over 100 countries.

Benefits

Tally Solution Kenya provides Internship Programmes to ICPAK members free of charge. Tally Solutions Kenya engaged in business of computer software development enroll ICPAK members.

Access Requirements

Young Accountants; recommended for the youth category in good standing.



Benevolent Benefit Scheme



The Scheme has been put in place to support members and their families by supplementing last expense budgets. The scheme is envisaged to cover;

- Principal member
- Spouse and
- A maximum of four primary dependents of the principal member.

dents of the principal member.

Access Requirements

All ICPAK Members compliant with the rules and regulations of the scheme

PII – Professional Insurance Indemnity cover, negotiated rates with Heritage Insurance Co.

BACKGROUND

Regardless of how many years' experience a firm may have, there is always the possibility the partner or one of the team members could make a mistake. No matter how large or small a business is, without PI cover firm's financial position could be left vulnerable if a claim is brought against it of any team member. Although most practitioners strive to provide the best service possible, people do make mistakes; knowing that adequate insurance is in place will give a practitioner peace of mind that his/her firm is covered.

Professional indemnity insurance covers against a wide range of scenarios, including:

- Professional negligence (i.e. making a mistake in a piece of work for a client)
- Loss of documents or data
- Unintentional breach of copyright and/or confidentiality
- Defamation and libel
- Loss of goods or money (your own or for which you are responsible)

PDC committee of the Institute considered and sourced the requirement of practitioners and sourced for an insurance company that can provide practitioners with PII cover.

Practitioners through the ICPAK procurement process sourced and considered various service providers

through Liaison; Jubilee Insurance, Heritage Insurance, Britam Insurance, Fidelity Insurance and the CIC group.

Heritage

Insurance Company

A member of  LIBERTY

SCOPE AND OBJECTIVES OF THE PII COVER

From the above, Heritage Insurance with the benefits shown below proved to be the best provider of PII

Professional Indemnity-ICPAK										
	1000000	1500000	2000000	3000000	5000000	10000000	20000000	30000000	40000000	50000000
Limit any one claim. Any one year KSH										
Premium Net K	12500	18750	25000	37500	62500	90000	115000	137500	1525000	165000
Levies	12500	124	155	209	321	445	558	659	726	783
Total	12,596	18,874	25,153	37,709	62,821	90,445	115,558	138,159	153,226	165,783
NEW PREMI-UM	8,500.00	12,750	17000	25,500	42,500	65,500	110,000	165,000	180,000	225,000

EXCESS 10% Each & every document loss minimum Kshs 50,000

CLAUSES

Extension - loss of document 10% of the limit maximum Kshs 1,000,000
 Excess 10% of extension EEL
 No reinstatement of cover
 Retroactive date of inception
 Jurisdiction clause Kenya
 Premium payment warranty
 Cancellation clause

Pursuant to deletion of section 156, subsection (2) of the Insurance Act Cap 487, please note that cover will not attach until full premium is received by Insurer.

Payment options include: cash, credit card or Mpesa/Zap (Business no. 503000 and quote your policy number as the account). You may also consider premium financing.
 Validity 120 days

Company	Name	Designation	Contact Number
Heritage	Timothy Theuri	Underwriting	0711 039211 Timothy.Theuri@heritage.co.ke
Heritage	Stephen Warui	Underwriting Manager	0711 039237 Stephen.Warui@heritage.co.ke
Liaison	Nelson Mungai	Consultant – Risk Services	0703071141 nmungai@liaisongroup.net
Liaison	Regina Hose	Relationship Manager	0703 071106 rhosea@liaisongroup.net
Heritage	Robert Gathumbi	Business Development Manager (Sales & Distribution)	0727 405298 robert.gathumbi@heritage.co.ke
Liaison	Dennis Karanja	Risk Management	0703071126 dkaranja@liaisongroup.net

The client will be required to fill the attached proposal form and submit along with:

1. Copy of Certificate of Incorporation
2. Copy of Pin Certificate
3. Premium Payment

We take this opportunity to thank you most sincerely for your continued trust in us and assure you of our best services.

CONTINUOUS PROFESSIONAL DEVELOPMENT



Continuing professional development (CPD) is aimed at enriching the ICPAK professional life with the latest technical updates and in depth information on matters affecting the accountancy profession through the improvement and broadening of knowledge and skills. The ICPAK CPD scheme is mandatory, requiring members to complete 25 hours of structured and 15 (hours of unstructured CP per year.

Members over 60 years of age who are not in practice can apply for exemption from CPD by ICPAK. If a member receives exemption but is still professionally active, he/she has the responsibility

to inform ICPAK. Development of new skills: It allows you to build specific knowledge and competencies that are related to your current role and can prove to be priceless in your daily work responsibilities.

Retain and sharpen old skills: Skills that you have developed in the past that may have become slightly rusty will be sharpened. It is always good to brush up on these skills because they can over time, they can start to fade out especially if they are not used constantly.

Profession's trends - keeping up-to-date: It is important to ensure you are up-to-date with the profession's trends and

developments and CPD ensures you are doing so.

Networking opportunities: By participating in CPD events you will meet new people and network with profession's experts, leaders and like-minded individuals. Building relationships like this can be extremely useful in finding out about career opportunities, work related guidance, business opportunities etc.

Energizing and renewing: Sometimes it is a good idea to take a break and refresh your mind. It can be energizing and makes you feel like new. By taking time out to personally develop, you will be taking a step away from your role to do something different.

Examples of structured CPD activities Include;

Workshops, Seminars & Conferences; Courses; Technical meetings and contrib-

uting to technical meetings; Developing new systems or processes; Presenting information to others; Mentoring; Publishing articles; Committee work including preparation of board meetings, audit committees or other financial services or trade organizations; Further qualifications, e.g. MBA, CFA, CISA; Serving as an Examiner for KASNEB or any other professional examining body in a relevant field. Examples of unstructured CPD activities are: Reading business sections of newspapers, Inspirational books, professional journals e.g. The Accountant, Financial Mail, The Economist, etc. and web pages; Watching technical Videos, DVDs; Self-study that results in professional development.

Structured CPD Programmes are hosted in 1-day, 2-day and 3-day events. A comprehensive CPD Calendar is sent to all our members at the beginning of each year.



ICPAK Council members during the 34th Annual Seminar held in Mombasa in May 2018.

BRANCHES AND CHAPTERS

In order to systematically progress to a globally recognized accountancy institute, ICPAK needs to maintain contact with its members who are spread around the country and others working in Diaspora. To do so, ICPAK has established 9 Branches in Kenya and three overseas chapter for the United Kingdom. Chapters & branches are expected to participate in developing strategies, priorities and action plans using the ICPAK's Strategic Plan as the blue print.

- To enhance recognition of CPK in their Counties.
- Participate in forums/ debates to influence policy
- Lobby for inclusion of CPK's on boards in order to enhance

governance especially in governmental agencies and local authorities within their counties.

- Mobilizing members for training, information sharing and capacity building.
- Coordinate membership recruitment and retention efforts

It is also in the interest of branch leaders to weed-out the unregistered accountants in practice- famously referred to as quacks.

Branches operate with an elected committee led by a chairman. The chairman is the contact person and responsible in coordinating affairs of the branch.

Currently ICPAK has the following branches:



	Branch	Office	Counties Covered
1.	Western	Kakamega	Kakamega, Vihiga, Bungoma, Busia
2.	Nyanza	Kisumu	Kisumu, Kisii, Migori, Homa Bay, Nyamira, Siaya
3.	North Rift	Eldoret	Uasin Gishu, Trans Nzoia, Elgeyo Marakwet, Baringo, Nandi, West Pokot, Turkana
4.	Central Rift	Nakuru	Nakuru, Nyandarua, Laikipia
5.	South Rift		Kericho, Bomet, Narok
6.	Mt Kenya	Nyeri	Nyeri, Embu, Murang'a, Kirinyaga, Meru, Tharaka Nithi
7.	Coast	Mombasa	Mombasa, Kwale, Kilifi, Lamu, Tana-River, Taita-Taveta
8.	Eastern	Machakos	Kitui, Makueni, Machakos
9.	Northern	Garissa	Isiolo, Marsabit, Garissa, Mandera, Wajir, Samburu

International Chapters

1. UK Chapter



2. South Africa Chapter



3. Australian Chapter



GOVERNANCE AND ADVOCACY

Council and its Committees

ICPAK is led by an 11 member Council comprising of:

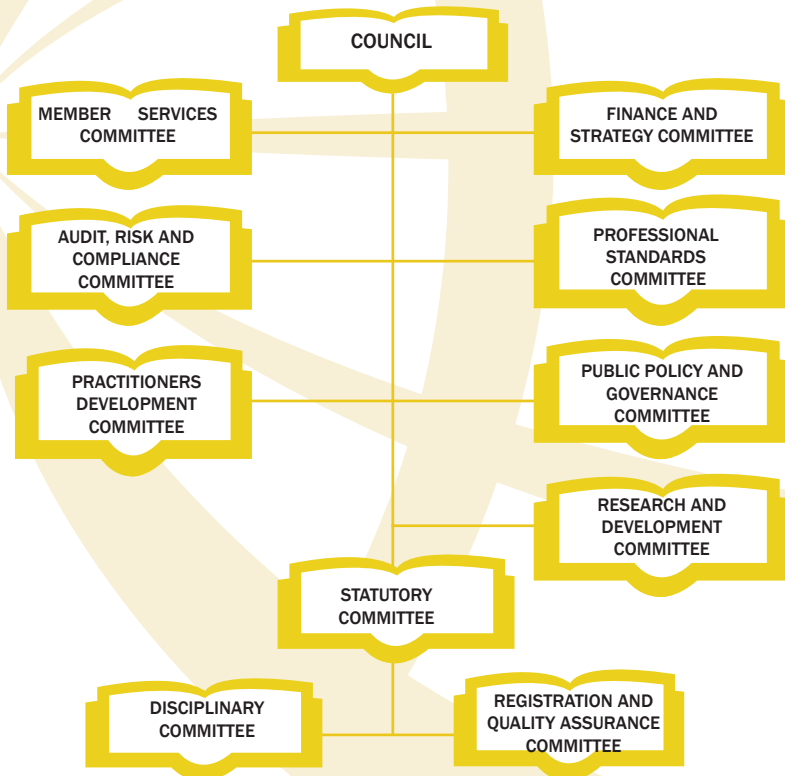
- A Chairman and six Council members elected from the members of the Institute;
- One member representing the Cabinet Secretary responsible for matters relating to finance;
- One member representing the Cabinet Secretary responsible matters

relating to finance to represent a profession other than accountancy;

d) One member representing Kenya Accountants and Secretaries National Examinations Board

e) One member representing Capital Markets Authority.

The Governance framework with various committees is as shown in the chart below;



The Role of the Council

The roles of the Council as stipulated in the Accountants' Act include:

1. Issuing standards of professional practice, including accounting and auditing standards which shall form the basis of accountancy practice for members in the preparations, verifications and auditing of the financial statements;
2. Issuing by-laws, regulations and guidelines to govern matters affecting the operations of the Institute. Other functions and roles of the Council include:
3. Strategic Leadership: Approving, monitoring and guiding the implementation of the Institute's Strategic Plan;
4. Performance Evaluation: Setting performance targets and reviewing of the Institute's results so as to ensure the achievement of the operational plans;
5. Integrity of Financial Reporting: Reviewing and monitoring controls, policies and procedures put in place to ensure integrity in the Institute's accounting records and the financial statements;
6. Risk Management and Compliance: Monitoring and reviewing the policies and procedures put in place by the management to ensure that the various risks facing the Institute are effectively mitigated and various regulatory and legislative requirements are complied with;
7. Stakeholders' Interest: Guiding the Institute so as to ensure the fulfillment of the interests of various stakeholders besides reviewing and monitoring corporate governance and corporate social responsibility practices;
8. Executive Review: Approving appointment and remuneration of the Chief Executive Officer and other key staff as well as monitoring and reviewing their performance.



ICPAK Chairman FCPA Julius Mwatu together with other Council members meeting with Honorable Kenneth Lusaka, the Speaker of the Senate of Kenya

Activities of the Council

It is the responsibility of the Chairman and the office of the Chief Executive Officer to work closely in planning the annual programme and agenda for meetings. The meetings are structured to allow open discussions. All substantive agenda items have comprehensive briefing papers which are circulated earlier in advance before the meetings.

Division of Responsibilities

The roles of the Chairman and the Chief Executive Officer are separate and interdependent. There is a division of responsibilities

that is clearly established and agreed by the Council to ensure that no one person has unrestrained powers of decision.

Council's Committees

The Council has established various Committees which have formal Terms of Reference approved by the Council and reviewed on an ongoing basis by the Council. The Senior Management with the delegated authority of the Chief Executive Officer prepares the agenda papers and provides Secretarial Services to the Committees. Various Committees, functions and meetings attendance in the year are tabulated herein.

1. Disciplinary Committee

The Committee is responsible for disciplining members in accordance with the procedure and rules stipulated in the Accountants Act. The members in office of the Disciplinary Committee members

were appointed in January 2014. Members of the Disciplinary Committee during the year together with the record of their attendance at the scheduled meetings are as tabulated in the Disciplinary Committee-attendance table.



2. Finance and Strategy Committee



This committee oversees the strategy implementation on behalf of the Council, reviews operations and make recommendations regarding policies and reviewingof financial performance in-

cluding the Institute's budget. The scope also includes reviewing of the Financial Statements, ratio analysis, management accounting, debt management and management of investments.

3. Registration & Quality Assurance Committee (RQAC)



The committee receives, considers and approves applications for registration as an accountant and grant of practicing certificates and annual licenses in accordance with the provisions of the Accountant Act.

In addition, it monitors compliance with professional quality assurance and other standards published by the Council for observance by the members of the Institute.

4. Audit, Risk and Compliance Committee



The Audit Risk and Compliance Committee assists the Council in fulfilling its oversight responsibilities for the financial reporting process, the system of internal control, the audit process, and the Institutes' process for monitoring compliance with laws and

regulations as well as the Code of Conduct. In addition, the Committee continuously evaluates the effectiveness of the risk management processes within the Institute ensures that adequate risk management strategies are being implemented.

5. Public Policy and Governance Committee



This Committee is charged with the stewardship of the Institute's Public Interest role including the Advisory Role to the Ministry of Finance, Public Financial Management, Professionalism in the Public Sector, Devolved Funds such as the CDF and Local Authori-

ties, Parliamentary Oversight Role and Public Governance. The committee also looks at Taxation and Budgeting including laws and regulations pertaining to taxation and leading to the Institute's participation in both the national and county budgeting processes.

5. Member Services Committee



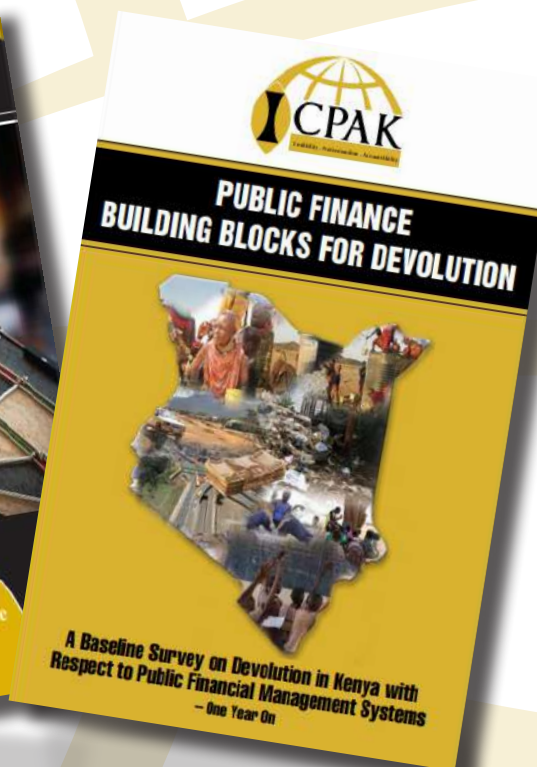
This committee is tasked with the responsibility of understanding member needs and formulating recommendations for Council consideration on how to address the needs so identified. This Committee oversees the implementation of Continuous Professional Development (CPD) policies and guidelines, adoption and implementation of the International Education Standards (IESs), development and implementation of CPD calendar. The Committee is also tasked to develop marketing strategies and member recruitment and

retention strategies. It is also tasked developing sector specific products and services for members such as those in the Public Sector, Private Sector, Non Government Organizations, Not-for-Profit Sectors and also developing products for various categories of members such as trainee accountants, associate members, full members, and the coordination of continuous improvement in quality service provision to members including evaluation of member satisfaction levels.

6. Research and Development Committee (RDC)

The Committee's terms of reference are derived from the mandate of the Institute as provided in the Accountants Act at section 8b "To promote research in the subject of

accountancy and finance and related matters and the publication of books, periodicals, journals and articles in connection therewith".



Some of the Research Studies done on Devolution and Kenya's Revenue by ICPAK

7. Professional Standards Committee

This Committee is responsible for the Institute's Standard Setting Role and the Implementation of Standards as promulgated by the Council. It works together with the management team in participating in setting and ensuring implementation of the

respective standards in; Financial Reporting; Public Sector Accounting; Auditing and Assurance; Accounting Education; Ethics and Financial Services including laws and regulations impacting this sector.



Sub Committees

1. Public Finance and Taxation
2. Legislative Affairs
3. Devolution
4. Internal Auditors
5. Youth and Student Affairs

DISCIPLINE AND REGULATIONS

Section 31(1) of the Accountants Act, No. 15 of 2010 establishes the Disciplinary Committee, the Committee is composed of seven members endorsed by the Minister of Finance as follows:

- Four nominated by the Council one of whom shall be designated as the Chairman.
- One nominated by the Council from a profession other than accountancy
- One nominated by the Attorney - General

- One nominated by an organization that promotes corporate governance

The quorum of the Committee meeting is four members and the tenure of office is three years renewable once.

The mandate of the Committee is to conduct an inquiry into allegations of professional misconduct as specified by Section 30(1) of the Accountants Act and make recommendations on disciplinary measures to be taken in accordance with Section 33(1) of the Act.

CORPORATE COMMUNICATION

The Institute is widely viewed as the voice of the profession in Kenya and we hold constant dialogue with the public and media in this regard. Our communication channels bring the CPAK brand message to businesses, government, regulators and the public.

ICPAK Publications

The Accountant

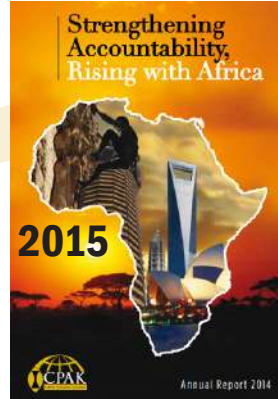
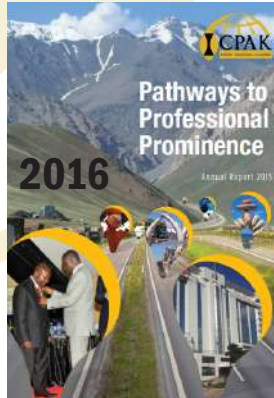
Our bi-monthly magazine availed to all CPAK articulates matters of interest in the accountancy profession; published reports, research findings and the latest issues affecting the economy of the country



Annual Report

You can read what the Institute has accomplished over the course of each financial year through this report. The

financial statements adopt the latest IFRS and shows where the institute spends and receives its money.



Econnect

This is an on-line publication that goes out to members every two weeks bearing technical updates and any relevant information that affects the profession. It's aimed at making members aware of the many rising developments in IFRS, ISAs, IPSAs etc. Access it via this link: <https://www.icpak.com/category/e-connect/>

CPD Express

This is an online communication tool for the CPD Department. It sends out information on upcoming seminars, workshops, videos, leadership talks or conferences for the active members to update their knowledge and skills.

Sample Press Cuttings

COUNTY BUSINESS

Accountants warn county chiefs against staff layoffs

JOBS ICPAK says mass sackings will disrupt service delivery and hurt workers' morale

James Mwangi
jamesm@cpak.or.ke

As the Institute of Certified Public Accountants of Kenya (ICPAK) has warned government against sacking of county officials in the process of cleaning up the system.

The accountants' body said the sackings may not only disrupt service delivery but will also lower staff morale among county workers.

"Governments who intend to re-structure the human resources architecture in their counties should do so within the confines of the law and respect to the rules of natural justice," said ICPAK chairman Julius Mwenda.



COUNCIL OF PUBLIC Institute of Certified Public Accountants of Kenya Chairman Julius Mwenda during a press briefing in Nairobi. -AIC

The county houses have been accused of overstepping their mandate and causing fears of massive job losses in what they call sweeping changes aimed at enhancing service delivery.

Those affected include executive committee members, chief officers, senior advisors and chief of staff.

In Machakos County, governor Alfred Mutua has suspended some 437 staff. In Nairobi, West Pokot, Elgeyo, Meru, Tharaka Nithi, Laikipia and Kisumu, county houses seem not keen working with staff hired by their

437
NUMBER
of Machakos County staff
that have been suspended

provisionists.

The ICPAK said there was a need to strengthen institutions as devolved units by picking less than the pioneering county administrations.

It also called for need to establish and strengthen the County Budget and Economic Planning

to allow consultations between citizens and counties on planning, budgeting and overall economic advancement.

Similarly, the ICPAK wants committees established at the county level to boost accountability and prudent public expenditure management.

"We note that quite a number of counties had already initiated efforts and even established these committees prior to the General Election. However, we still have a lot to accomplish to ensure that such committees are effective in the entire public sector," said Mr Mwenda.

The accountants' body said some of the initial County Integrated Development Plans (CIPDs) from 2013-2017, were not comprehensive as envisaged by the law.

"The new leaders should correct some of these omissions and develop CIPDs that are truly reflective of the needs of citizens. It's only through this mechanism that we'll be able to reap the benefits of devolution," said Mr Mwenda.

www.kwapa.com | Sunday August 26, 2017 | BUSINESS DAILY

Wycliff Kiprumba
wycliff@kwapa.com

These eight might counties in the North Rift are about their joint plan to raise \$200 million for development projects under the North Rift Economic Bloc following the August 8 polls.

Uasin Gishu governor Jackson Mandago, one of the founding members, said that the counties had signed a

memorandum of understanding and developed legal instruments to guide the projects in agriculture, water, energy, tourism and infrastructure.

"We are creating budgets for sustainable production of these products to utilize the idle capacity of Eldoret International Airport," said Mr Mandago, who is the chairman of the bloc.

The counties comprise Harrop, Elgeyo Marakwet, Nandi, Samburu, Trans Nzoia, Turkana, Uasin Gishu and West Pokot.

"Contrary to baseless claims that the bloc has not achieved much since its inception, we are on course to

"We are on course to implementing all the plans we had rolled out prior to the General Election"

JACKSON MANDAGO | Uasin Gishu governor

implementing all the plans we had rolled out prior to the General Election," Mr Mandago told the Business Daily.

The eight counties also intend to back Turkana governor Joseph Naisik to complete his term as Council of Governors chairman.

Mr Naisik took over from Peter Muriuki in May. Mr Mandago said he will oversee the bloc's efforts to ensure peace and security in the Kericho Valley to spur economic growth in the region.

Kericho Valley Development Authority managing director David Kimani said: "Ker Valley sits on massive resources but with little peace no meaningful development will be achieved."



ICPAK members

Ziwa technical training

September intake

ongoing

ICPAK members

ICPAK members

ICPAK members

ICPAK members

ICPAK members

ICPAK members

ICPAK members

ICPAK members

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In summary
ICPAK has urged the government to ensure that the devolution of functions to the counties is done in a manner that is consistent with the principles of accountability and transparency. It also called for the need to establish and strengthen the County Budget and Economic Planning

provisionists.

The ICPAK said there was a need to strengthen institutions as devolved units by picking less than the pioneering county administrations.

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Accountants propose Sh10m fine for ICPAK members involved in fraudulent deals

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CORPORATE EVENTS

New members' Induction

In honoring newly admitted members, the Institute hosts a cocktail that provides an opportunity to network and know one another as members of ICPAK. The new

members also get to meet the Council members and the Secretariat team and learn more about the services and support they ought to receive in course of their membership.



ICPAK Chairman FCPA Julius Mwatu with Council member CPA Rose Mwaura, CEO CPA Edwin Makori and chief Manager, Professional Services CPA Nebart Avutswa pose with new practitioners 2019 in front of CPA Centre.

Annual Golf Tournament

The Institute through its Corporate Affairs department undertakes CSR projects. Some of the projects undertaken have been like supporting the Matter Heart Run; donating food to Nyumba ya Wazee; supporting Mama Fatuma Children's

Home etc. To continually ensure that these projects are managed, the Institute hosts an annual golf tournament for its members and proceeds from this tournament are channeled to the Institute CSR projects.



Some of the delegates that participated in the 2018 Annual Golf Tournament at Vipingo Ridge in Mombasa.

ICPAK Elections

Elections to the Institute Council are open to all members. Once vacancies in the council are declared, members of the Institute in good standing are welcomed to vie for the posts. Voting is done electronically and only members in good

standing are eligible to vote. Results of the elections are presented to members during the Annual General Meeting (AGM) where present members endorse the election results. Each member in good standing is entitled to one vote.



Business Forums

These are educative forums focused on the business community to enhance the value of accounting and auditing especially to the SMEs. Through these forums, ICPAK

encourages the public to deal with registered accountants who are professionals in their daily accounting operations.

Annual General Meeting (AGM)

The Annual General Meeting held every once a year is a meeting which welcomes all members to review the Institutes financial statements whilst giving sustainable ideas on the financial position of the Institute.

Financial Reporting (FiRe) Award

The FiRe Award is an annual event made possible through the collaboration of the Founding Partners: The Institute of Certified Public Accountants of Kenya

(ICPAK); The Capital Markets Authority (CMA) and The Nairobi Stock Exchange (NSE). The Key objectives of this award are three-fold:

1. Promoting financial reporting excellence
2. Fostering sound corporate governance practices
3. Enhancing corporate social responsibility and environmental reporting.



Rwanese Auditor General Obadiah Biraro Awards Sameer Africa's staff after they emerged winners of FiRe award 2018. He is with ICPAK Chairman FCPA Julius Mwatu.



Business Forums

These are educative forums focused on the business community to enhance the value of accounting and auditing especially to the SMEs. Through these forums, ICPAK

encourages the public to deal with registered accountants who are professionals in their daily accounting operations.

FACILITIES

The CPA Centre offers accommodation and conference facilities for the members and the public. The CPA Centre is the

trading arm of the Institute and proceeds from its operation are channeled to the Institute to help in funding its activities.



SERVICE TO THE INSTITUTE

Members are eligible to serve by participating in the Institute's activities and also contributing articles in *The Accountant*. Also, members can also serve the Institute by becoming a member of the governing council and joining the various committees of council.

How to Become a Council Member

The second schedule of the Accountants act details how to become a council member. For one to hold position of Council, he/she needs to have fulfilled following requirements:

1. Be a member of ICPAK in good standing.
2. A member of the Institute shall be disqualified from contesting any position of council if within years such member is:
 - (i) Found guilty of an act of professional misconduct
 - (ii) Been convicted of an offence and sentenced to imprisonment for a term of 3 years
 - (iii) Has been convicted of corruption, abuse of office or dishonesty.
 - (iv) Has been adjudged bankrupt.

How to Become A Committee Member

ICPAK Committee membership is offered to members on voluntary basis. However, for ICPAK to consider any of its members for any vacancies in the committees, the member must fulfill the following require-

ments:

- Be a member of ICPAK in good standing
- The member must be active in participating in ICPAK's events

Some committees may require special experience and skills other than accounting/auditing and this gives advantages to members with special skills. For the statutory committees please also refer to the Accountant Act for the committee constitution and eligibility to join.

The following is a list of committees of council that members are eligible to join:

Committees:

1. Registration and Quality Assurance Committee
2. Public Policy and Governance Committee
3. Practitioners Development Committee
4. Professional Standards Committee
5. Member Services Committee
6. Finance and Strategy Committee
7. Audit & Risk and Compliance Committee
8. Research and Development

Sub Committees

1. Public Finance and Taxation
2. Legislative Affairs
3. Devolution
4. Internal Auditors
5. Youth and Student Affairs

ICPAK Past Chairpersons

The Success of the Institute is attributed to the following persons who tirelessly committed their time in ensuring that ICPAK grows and succeeds as a Globally Recognized Professional Accountancy Institute:



Stanley K. Mbugua 1978-1981



FCPA Ameraally R. Kassim-Lakha 1982-1984



FCPA Joseph M. Githongo 1984-1985



FCPA Mathias Benedict Keah 1984-1985



FCPA Daniel M. Ndonge 1985-1986



FCPA Joe Kamau Muchekehu 1986-1987



Ndung'u Gathinji 1987-1989



FCPA James N. Muguiyi 1989 - 1991



FCPA Sammy O. Onyango 1993-1995



FCPA Charles D.K Arap Kirui 1991 - 1993



FCPA Nguru Wachira 1995-1997



FCPA Martin Otieno Oduor 1997 - 1999



FCPA Amos Kimunya 1999 - 2001



FCPA Michael Waweru CBS 2001-2003



FCPA Rose Ogega 2003-2005



FCPA Joseph Wangai Wamai 2005-2007



FCPA Stephen Lugalia 2007-2009



FCPA Michael Itote 2009 - 2011



FCPA Patrick Mtange 2011-2013



FCPA Benson Okundi 2013- 2015



FCPA Fernandes Barasa 2015 - 2017



FCPA Julius Mwatia, Current Chairman

THE ACCOUNTANTS ACT

No. 15 OF 2008

An Act of Parliament to provide for the establishment, powers and functions of the Institute of Certified Public Accountants of Kenya and the Kenya Accountants and Secretaries National Examinations Board; to provide for the examination of accountants and company secretaries and for the registration of accountants, and for connected purposes

[Act No. 15 of 2008, Act No. 57 of 2012, Act No. 10 of 2018.]

[Date of commencement: 30th December, 2008.]

[Date of assent: 24th December, 2008.]

NO. 15 OF 2008
ACCOUNTANTS ACT
ARRANGEMENT OF SECTIONS
PART I – PRELIMINARY

Section

1. Short title.
2. Interpretation.

PART II – ESTABLISHMENT OF VARIOUS BODIES

A – Institute of Certified Public Accountants of Kenya

3. Establishment of Institute.
4. Membership of the Institute.
5. Membership fees.
6. Honorary Fellows.
7. Chairman of the Institute.
8. Functions of the Institute.

B – Council of the Institute

9. The Council.
10. Committees of the Council.
11. Membership of the Council.
12. Secretary to the Council.
13. Registration Committee.

C – Kenya Accountants and Secretaries National Examinations Board

14. The Examinations Board.
15. Membership of the Examinations Board.
16. Secretary to the Examinations Board.
17. Functions of the Examinations Board.

PART III – PRACTISING CERTIFICATES AND REGISTRATION OF
ACCOUNTANTS

18. Requirement for practising certificate.
19. Practising as an accountant.
20. Application for a practising certificate.

21. Issue of practising certificate.
22. Issue of annual licence.
23. Practising certificate, annual licence to remain the property of the Institute.
24. Application for registration.
25. Holders of authority to practise.
26. Qualifications for registration.
27. Disqualification from registration.
28. Register.
29. Cancellation of registration.

Section

30. Professional misconduct.
31. Disciplinary Committee.
32. Inquiry by the Disciplinary Committee.
33. Recommendation after inquiry.
34. Appeals.
35. Rules.
36. Part to apply to previous holder of an authority to practise.

PART V – MISCELLANEOUS

37. Staff of the Institute and the Examinations Board.
38. Protection from liability.
39. Moneys payable to the Institute and the Examinations Board.
40. Accounts and audit.
41. Offences.
42. Examinations offences.
43. Conduct of prosecutions to prosecute.
44. Vacancy in membership.
45. Appointment of interim managers.
46. Regulations.
47. References to accountant.

PART VI – REPEAL AND AMENDMENTS

48. Amendment of Cap. 486.
49. Amendment of Cap. 489.
50. Amendment of No. 14 of 2007.
51. Repeal of Cap. 531 and savings.

SCHEDULES

FIRST SCHEDULE – THE INSTITUTE

SECOND SCHEDULE – THE COUNCIL

THIRD SCHEDULE – THE REGISTRATION AND QUALITY ASSURANCE
COMMITTEE

FOURTH SCHEDULE – THE EXAMINATIONS BOARD

FIFTH SCHEDULE – DISCIPLINARY COMMITTEE

SIXTH SCHEDULE – APPOINTMENT OF INTERIM MANAGER

SEVENTH SCHEDULE – TRANSITIONAL PROVISIONS



NO. 15 OF 2008**ACCOUNTANTS ACT**

[Date of assent: 24th December, 2008.]

[Date of commencement: 30th December, 2008.]

An Act of Parliament to provide for the establishment, powers and functions of the Institute of Certified Public Accountants of Kenya and the Kenya Accountants and Secretaries National Examinations Board; to provide for the examination of accountants and company secretaries and for the registration of accountants, and for connected purposes

PART I – PRELIMINARY**1. Short title**

This Act may be cited as the Accountants Act, 2008.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**accountant**” is a person registered as an accountant under Section 24 of this Act and is a member as defined in section 4

(2) (a) and (b) with expertise achieved through formal education and practical experience, and shall be held to a high professional standard in respect to —

(a) demonstrating and maintaining competence in accountancy in line with International Accounting standards;

(b) compliance with the Institute’s code of ethics;

(c) maintaining good standing status; and

(d) subject to enforcement of the rules

and regulations of the Institute;

“**accountancy**” means practice in accounting, financial reporting, control systems, systems auditing, auditing, assurance, forensic accounting and auditing, finance, financial management, public finance management, taxation, financial risk management, management accounting and advisory services related thereto;

“**annual licence**” means an annual licence issued pursuant to section 22;

“**Capital Markets Authority**” means the Authority established under section 5 of the Capital Markets Act (Cap. 485A);

“**chairman**” means the chairman of the Institute, and includes a person appointed under paragraph 2 of the First Schedule to this Act as chairman;

“**Certified Public Secretary**” means a member of the Institute of Certified Public Secretaries of Kenya;

“**colleges of technology**” means institutions involved in the training of accountants and secretaries;

“**company**” has the meaning assigned to it under section 2 of the Companies Act, 2015;

“**Council**” means the Council of the Institute established under section 9;

“**Disciplinary Committee**” means the committee established under section 31;

“**Examinations Board**” means the Kenya Accountants and Secretaries National Examinations Board established under section 14;

“**examination offence**” means an offence as prescribed by section 42 of this Act;

“**firm**” means a sole proprietorship or partnership established by members in practice;

“Institute” means the Institute of Certified Public Accountants of Kenya established under section 3 of this Act;

“Institute of Certified Public Secretaries of Kenya” means the Institute of that name established under the Certified Public Secretaries of Kenya Act (Cap. 534);

“Minister” means the Cabinet Secretary responsible for matters relating to finance; “practising certificate” means a practising certificate issued pursuant to section 21; “register” means the register kept pursuant to section 28; and

“Registration Committee” means the Committee established under section 13;

“trainee accountant” means a person registered by the Examinations Board and who has commenced professional accountancy education or training or is practicing accountancy as part of initial professional development required for qualification as an accountant. [Act No. 10 of 2018, s. 74.]

(2) For the purpose of this Act—

(a) a person is registered if his name is recorded in the register pursuant to section 28(1)(a) of this Act;

(b) a person is not registered if his registration is cancelled and; particulars of the cancellation are recorded in the register pursuant to section 28(1)(c) of this Act;

(c) a person is registered if the fact of the restoration of his registration is recorded in the register pursuant to section 28(1)(d) of this Act.

Institute of that name established under

the Certified Public Secretaries of Kenya Act (Cap. 534);

“Minister” means the Cabinet Secretary responsible for matters relating to finance;

“practising certificate” means a practising certificate issued pursuant to section 21;

“register” means the register kept pursuant to section 28; and

“Registration Committee” means the Committee established under section 13;

“trainee accountant” means a person registered by the Examinations Board and who has commenced professional accountancy education or training or is practicing accountancy as part of initial professional development required for qualification as an accountant.

PART II – ESTABLISHMENT OF VARIOUS BODIES

A – Institute of Certified Public Accountants of Kenya

3. Establishment of Institute

(1) There is established an Institute to be known as the Institute of Certified Public Accountants of Kenya.

(2) The Institute—

(a) shall be a body corporate, capable of suing and being sued in its corporate names;

(b) shall have a common seal which shall be kept in such manner as the Council may direct;

(c) may with the prior approval of the Minister, borrow, lend or otherwise raise money in such usual manner, including by

(b) full members (comprising those members registered under section 24 but who are not Fellows) each of whom shall be titled "Member of the Institute of Certified Public Accountants of Kenya" (designatory letters C.P.A. (Kenya)); and

(c) associate members, comprising persons eligible to be registered under section 26 but who do not meet all the requirements prescribed under subsection (1) of that section.

(3) Where the Council considers that a member of the Institute has fulfilled such requirements, if any, for admission into Fellowship as the Council may prescribe, the Council may invite such member to become a Fellow of the Institute.

(4) Associate members shall be entitled to such rights of membership as the Minister may, in consultation with the Council, by notice in the Gazette prescribe.

5. Membership fees

The members of the Institute as specified in section 4(2) shall pay such fees and subscriptions as the Council may from time to time determine.

6. Honorary Fellows

(1) Where the Council considers that a person, not being a member of the Institute has rendered special services to the Institute or the accountancy profession, the Council may invite such a person to become an Honorary Fellow of the Institute.

(2) An Honorary Fellow shall not be a member of the Institute.

7. Chairman of the Institute

(1) There shall be a chairman of the Institute who shall be elected in the manner provided in paragraph 1 of the First Schedule.

(2) A member seeking election as chairman shall be a person who—

(a) has been a member of the Institute for a continuous period of not less than seven years;

(b) has served on the Council or its Committees for at least one year; and

(c) has not be disqualified under the provisions of the Second Schedule.

8. Functions of the Institute

The functions of the Institute shall be to—

(a) promote standards of professional competence and practice amongst members of the Institute;

(b) promote research into the subjects of accountancy and finance and related matters, and the publication of books, periodicals, journals and articles in connection therewith;

(c) promote the international recognition of the Institute;

(d) advise the Examinations Board on matters relating to examinations standards and policies;

(e) advise the Minister on matters relating to financial accountability in all sectors of the economy;

(f) carry out any other functions prescribed for it under any

(g) do anything incidental or conducive to the performance of any of the preceding functions.

B – Council of the Institute

9. The Council

(1) The Institute shall be governed by a Council to be known as the Council of the Institute.

(2) Subject to this Act, all acts and things done in the name of, or on behalf of, the Institute, by the Council or with the authority of the Council shall be deemed to have been done by the Institute.

(3) The Council shall issue standards of professional practice, including accounting and auditing standards, which shall form the basis of accountancy practice for members of the Institute in the preparation, verification and auditing of financial statements.

(4) The Council may with the approval of the Minister, issue by-laws, regulations and guidelines to govern matters affecting the operations of the Institute and practice by members of the Institute.

10. Committees of the Council

(1) The Council may establish such committees as are necessary for the performance of the functions of the Institute and may, subject to the provisions of this Act, delegate powers conferred on it to such committees.

(2) The provisions of the Second Schedule shall have effect with respect to the Council.

11. Membership of the Council

The Council shall consist of eleven members as follows—

(a) a chairman elected in accordance with section 7;

(b) one member to represent the Ministry responsible for matters relating to Finance;

(c) one member to represent the Capital Markets Authority;

(d) one member to represent the Examinations Board;

(e) one member appointed by the Minister to represent a profession other than accountancy; and

(f) six other members elected in the manner provided in the Second Schedule.

12. Secretary to the Council

(1) There shall be a Secretary to the Council who shall be appointed by the Council.

(2) The Secretary to the Council shall hold and vacate the office of Secretary in accordance with the terms of the instrument of appointment to that office.

(3) In addition to the functions which he is required to exercise and perform by or under this Act, the Secretary to the Council shall exercise and perform such other functions as the Council may, from time to time, determine.

13. Registration Committee

(1) There is established a Registration and Quality Assurance Committee (hereinafter known as the Registration Committee) consisting of seven members to be appointed by the Minister as follows—

(a) a chairman;

(b) one person to represent the Ministry responsible for Finance;

(c) one person nominated by the Examinations Board;

(d) one person nominated by the Kenya National Audit Office;

(e) two persons nominated by the Council to represent the Institute; and

(f) one person, not being a member of

the Institute, nominated by the Council to represent the users of accountancy services.

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

(a) receive, consider and approve applications for registration as an accountant and grant of practising certificates and annual licences in accordance with the provisions of this Act;

(b) monitor compliance with professional, quality assurance and other standards published by the Council for observance by the members of the Institute;

(c) prescribe regulations to govern quality assurance programmes, including actions necessary to rectify deviations from published standards;

(d) where appropriate and based on the results of a quality assurance review, recommend to the Council that a member's conduct be referred for inquiry under section 32;

(e) advise the Council on matters pertaining to professional and other standards necessary for the achievement of quality assurance; and

(f) perform any other functions incidental to the fulfilment of its objectives under this Act.

(3) In the performance of its functions under this section, the Registration Committee may undertake such investigations as it deems appropriate, and may requisition evidence, examine records and documents prepared or held by, or likely to be availed to, the member under investigation.

(4) Where the Registration Committee makes a recommendation under subsection (2)(d) the Council shall refer the matter for inquiry under section 32.

(5) The Disciplinary Committee shall consider as evidence the results of the investigation undertaken by the Registration Committee in an inquiry referred to it under subsection (4).

(6) The Council shall provide the Registration Committee with such facilities and resources as are necessary to enable it to competently discharge its functions.

(7) In the exercise of its functions under this Act, the Registration Committee shall regulate its own procedure and shall not work under the direction of any person or persons.

(8) The Secretary to the Council shall serve as the Secretary to the Registration Committee, and may, with the consent of the person presiding at a meeting, take part in the deliberations on any matter arising at the meeting, but shall not be entitled to vote on any such matter.

(9) The provisions of the Third Schedule shall have effect with respect to the Registration Committee.

C – Kenya Accountants and Secretaries National Examinations Board

14. The Examinations Board

(1) There is established a board to be known as the Kenya Accountants and Secretaries National Examinations Board.

(2) The Examinations Board—

(a) shall be a body corporate;

(b) shall have a common seal which shall be kept in such manner as the Examinations Board directs;

(c) may with the prior approval of the Minister, borrow, lend or otherwise raise money in such usual manner, including by way of executing securities and guarantees, as it may from time to time determine;

(d) may acquire, hold, develop and dispose of property, whether movable or immovable, in the normal course of business;

(e) may acquire, hold and dispose of investments in other enterprises subject to approval by the Minister; and

(f) may sue and be sued in its corporate name.

(3) All courts, judges and other persons acting judicially shall take judicial notice of the seal of the Examinations Board affixed to a document and shall presume that it was duly affixed.

(4) The provisions of the Fourth Schedule shall have effect with respect to the Examinations Board.

15. Membership of the Examinations Board

(1) The Examinations Board shall consist of eleven members appointed by the Minister, of whom—

(a) one shall be nominated by the Minister for the time being responsible for Finance;

(b) one shall be nominated by the Minister for the time being responsible for Technical and Business Training;

(c) one shall be nominated by the Federation of Kenya Employers;

(d) one shall be the Director of Personnel Management or a person nominated by him;

(e) one shall be nominated by the Attorney-General;

(f) two shall be nominated by the Council;

(g) two shall be nominated by the Council of the Institute of Certified Public Secretaries of Kenya; and

(h) two shall be nominated by the Board, being persons who have an interest in and have made a significant contribution in the

development of education in accountancy, secretarial and related areas.

(2) In nominating a person for appointment pursuant to subsection (1)(a), the Minister shall have regard to the need to appoint a person who has the responsibility of guiding and advising on the policy relating to accountancy and accountability in Government.

(3) In nominating a person for appointment under subsection (1)(b), the Minister concerned shall have regard to the need to appoint a person who has responsibility for overseeing and is in charge of technical and business training matters in the Government.

(4) The person nominated under subsection (1)(c) shall be a person engaged in industry or commerce.

16. Secretary to the Examinations Board

(1) There shall be a Secretary to the Examinations Board who shall be appointed by the Minister on the recommendation of the Board.

(2) The Secretary to the Examinations Board shall hold and vacate the office of Secretary in accordance with the terms specified in the instrument of his appointment to that office.

(3) The Secretary to the Examinations Board may attend meetings of the Examinations Board and may, with the consent of the person presiding at a meeting, take part in the deliberations on any matter arising at the meeting, but shall not be entitled to vote on any such matter.

(4) In addition to the functions which he is required to exercise and perform under this Act, the Secretary to the Examinations Board shall exercise and perform such other functions as the Examinations Board may, from time to time, determine.

17. Functions of the Examinations Board

(1) The functions of the Examinations Board shall be to—

- (a) prepare syllabuses for professionals' and technicians' examinations in accountancy and company secretarial practice and related disciplines;
- (b) make rules with respect to such examinations;
- (c) arrange and conduct examinations and issue certificates to candidates who have satisfied examination requirements;
- (d) promote recognition of its examinations in foreign countries;
- (e) investigate and determine cases involving indiscipline by students registered with the Examinations Board;
- (f) promote and carry out research relating to its examinations;
- (g) promote the publication of books and other materials relevant to its examinations;
- (h) liaise with the Ministry of Education in accreditation of institutions offering training in subjects examinable by the Board; and

(i) do anything incidental or conducive to the performance of any of the preceding functions.

(2) The Examinations Board shall consult with the Council, and with the Council of the Institute of Certified Public Secretaries of Kenya and any other appropriate stakeholder, as often as it considers it necessary to do so for the purpose of exercising and performing its functions.

(2A) The Examinations Board shall, prior to registering a person to undertake an examination in accounting, require that the person be registered as a member of the Institute.

(3) The Examinations Board may consult such other parties as it considers appropriate in facilitating the performance of its functions.

(4) The Examinations Board may establish such committees (including examinations committees) as it considers necessary for the purpose of exercising and performing its functions and, subject to subsections (5), (6) and

(7), may determine the membership and procedure of any such committee.

(5) The majority of the members of any examinations committee established under subsection (4) for the purpose of conducting accountants' examinations shall be members of the Institute.

(6) The majority of the members of any examinations committee established under subsection (4) for the purpose of conducting secretaries' examinations shall be members of the Institute of Certified Public Secretaries of Kenya.

(7) The chairman of any committee established under subsection (4) shall be a member of the Examinations Board and shall be appointed by that Board.

[Act No. 10 of 2018, s. 77.]

PART III – PRACTISING CERTIFICATES AND REGISTRATION OF ACCOUNTANTS

18. Requirement for practising certificate

(1) No person shall practise as an accountant unless he is the holder of a practising certificate and a licence to practice that are in force.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a period not exceeding three years or to both.

[Act No. 10 of 2018, s. 78.]

19. Practising as an accountant

(1) Subject to this section, a person practises as an accountant for the purposes of this Act if, in consideration of remuneration or other benefits received or to be received, and whether by himself or in partnership with any other person, such person—

(a) engages in the practice of accountancy or holds himself out to the public as a person entitled to do so;

(b) offers to perform or performs services involving the auditing or verification of financial transactions, books, accounts or records;

(c) offers to perform or performs services involving the verification or certification of financial accounts and related statements; or

(d) engages in any practice, or performs or offers to perform any services, which may be prescribed.

(2) A salaried employee of the Government, a local authority or of any other person does not practise as an accountant by reason only of doing, in his capacity as such employee, any of the acts referred to in subsection (1).

(3) An advocate, a Certified Public Secretary or a person authorised to do so by or under any written law, does not practise as an accountant by reason only of carrying on the work of a tax consultant or a tax advisor.

20. Application for a practising certificate

(1) A person wishing to obtain a practising certificate shall apply to the Registration Committee.

(2) An application for a practising certificate shall be in the prescribed form and shall be accompanied by the prescribed fee.

21. Issue of practising certificate

(1) Where an application is made by a person in accordance with section 20, the Registration Committee shall issue to such person a practising certificate if it is satisfied that the person—

(a) is registered; (b) has received, from an accountant who is the holder of a practising certificate, instruction of such nature and for such period as may be prescribed; and (c) meets such other requirements as may be prescribed, and, if not so satisfied, shall refuse the application.

(b) has received, from an accountant who is the holder of a practising certificate, instruction of such nature and for such period as may be prescribed; and (c) meets such other requirements as may be

prescribed, and, if not so satisfied, shall refuse the application.

(2) A practising certificate issued under this Act remains in force unless it ceases to be in force under subsection (5), (6) or (7).

(3) Notwithstanding subsection (2), a practising certificate issued to any person shall cease to be in force if that person ceases to be registered.

(4) Where a practising certificate issued to any person ceases to be in force under subsection

(5), that practising certificate shall not come into force again if the person is subsequently registered, but shall come into force again if the registration of the person is restored pursuant to subsection (5) or (6) of section 29.

(5) Subject to subsection (6), a practising certificate shall cease to be in force during any period when it is suspended pursuant to section 33(1)(h) or, if that period is varied on appeal under section 34, during the period as so varied.

(6) A person may surrender to the Institute, a practising certificate issued to him and, in that event, the certificate shall cease to be in force.

(7) Where a practising certificate ceases to be in force under subsection (3), the person to whom the certificate was issued shall deliver it to the Institute within fourteen days after the date on which he ceases to be registered.

(8) Any person who, without reasonable excuse, contravenes subsection (7) commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings.

[Act No. 10 of 2018, s. 79.]

22. Issue of annual licence

(1) Where the holder of a practising certificate intends to practise as a firm, whether as a sole practitioner or in a partnership, he shall apply to the Registration Committee for an annual licence in the prescribed form, furnishing the Registration Committee with such details of the firm as it may require. thousand shillings.

(2) Where an application is made by a person under subsection (1), the Registration Committee shall issue him with an annual licence if it is satisfied that the person—(a) holds a practising certificate; and (b) meets such other requirements as may be prescribed, and, if not so satisfied, shall refuse the application. (3) An annual licence issued under this Act shall be valid from the date of issue to the thirty-first December of the year of issue and shall be renewed at the end thereof.

23. Practising certificate, annual licence to remain the property of Institute

A practising certificate or an annual licence issued to any person shall remain the property of the Institute.

24. Application for registration

(1) A person wishing to be registered as an accountant shall apply to the Registration Committee.

(2) An application to be registered as an accountant shall be in the prescribed form and shall be accompanied by the prescribed fee.

(3) Where an application is made by a person in accordance with this section, the Registration Committee shall approve the application if it is satisfied that the person—

- (a) is of or above the age fixed by the Council pursuant to subsection (4);
- (b) is qualified to be registered; and
- (c) is not disqualified from being registered, and, if not satisfied, shall refuse the application.

(4) The Council shall by notice in the Gazette, fix the age which a person wishing to be registered must have attained.

(5) A person who, in an application to be registered, wilfully makes a false or misleading statement commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a period not exceeding eighteen months or to both.

[Act No. 10 of 2018, s. 80.]

25. Holders of authority to practise

(1) Notwithstanding sections 21(1)(b) and 24(3), the Registration Committee may on application and payment of the prescribed fees, register as an accountant any person who, prior to the commencement of this Act, is the holder of a valid authority to practise the Registration Committee shall issue him with an annual licence if it is satisfied that the person—issued in accordance with the provisions of the Accountants Act (Cap. 531) (now repealed).

(2) Applications under this section shall be received by the Committee within a period of eighteen months after the commencement of the Act.

26. Qualifications for registration

(1) Subject to this section, a person is qualified to be registered if the person—

(a) has been awarded by the Examinations

Board a certificate designated the Final Accountancy Certificate; or

(b) holds a qualification approved under subsection (2) by the Council.

(2) The Council may in consultation with the Examinations Board and with the approval of the Minister, from time to time, by notice in the Gazette, approve qualifications which it considers sufficient to allow a person to be registered, and may, in like manner, withdraw any such approval.

(3) Notwithstanding subsection (1) or (2), the Council may require a person making an application for registration to satisfy the Registration Committee, in such manner as it may direct, that the person has—

(a) adequate knowledge of local law and practice;

(b) adequate experience in accounting; and

(c) acceptable professional conduct and general character which, in the opinion of the Committee, make such person a fit and proper person to be registered, and unless the person so satisfies the Registration Committee, he shall not be treated as being qualified to be registered.

27. Disqualification from registration

(1) Subject to this section, a person is disqualified from being registered—

(a) if such person is convicted by a court of competent jurisdiction in Kenya or elsewhere of an offence involving fraud or dishonesty;

(b) if such person is an undischarged bankrupt;

(c) if such person is of unsound mind and has been certified to be so by a medical practitioner; or

(d) during any period when the Disciplinary Committee has determined under section 33(1)(i) that such person shall not be registered, or during any such period as varied by the High Court under section

34(2) of this Act.

(2) A person shall not be treated as disqualified under subsection (1)(a) of this section if the Registration Committee, having regard to—

(a) the period which has elapsed since the conviction concerned; or

(b) the circumstances of the offence, determines that it would be unreasonable to so treat him.

(3) A person shall not be treated as disqualified under subsection (1)(b) of this section if the Registration Committee is satisfied that the bankruptcy of the person concerned arose as a result of unavoidable losses or misfortunes.

(4) A person shall not be treated as being disqualified under subsection (1)(d) of this section if the High Court allows an appeal under section 34 of this Act.

28. Register

(1) The Secretary to the Registration Committee shall cause to be kept a register in which shall be recorded—

(a) the name of any person whose application under section 20 of this Act is approved;

(b) the fact that a practising certificate is issued to any person or that any such certificate has ceased to be in force under this Act;

(c) particulars of the cancellation of the registration of any person;

(d) the fact that the registration of any person is restored under this Act;

(e) details of firms engaged in the public

practice of accountancy,

including their proprietors; and

(f) such other matters as the Council may determine.

(2) The Secretary to the Registration Committee may cause to be made such alterations in the register as are necessary to ensure that the matters recorded therein are accurate.

(3) The register may, at all reasonable hours, be inspected, and copies of all or any part of any entry in the register taken—

(a) without payment, by—

(i) any member of the police force or any public servant, acting in the course of his duty; or

(ii) any person authorised by the Secretary to the Council; or

(b) on payment of such fee as may be prescribed, by any other person.

(4) The register shall be received in proceedings before any court or tribunal as evidence of the matters recorded therein which are required by or under this Act to be so recorded.

(5) A document purporting to be certified by the Secretary to the Council—

(a) to be a true copy of an entry in the register;

(b) stating that a person is not, or was not on a date specified in the document, registered; or

(c) stating that a person is not, or was not on a date specified in the document, the holder of a practising certificate, shall be received in proceedings before a court or tribunal as prima facie evidence of any such matters contained in the entry or of that fact, as the case may be.

(6) Proceedings on an inquiry under this Act before the Disciplinary Committee shall be deemed to be proceedings before a tribunal for the purposes of this section.

29. Cancellation of registration

(1) Subject to this section, the Registration Committee shall cancel the registration of a member—

(a) if determination that the registration of the member be cancelled is made under section 33(1)(i) of this Act;

(b) if any circumstance arises which, if the member were then a person applying for registration, would disqualify him under section 27 from being registered; or

(c) if it is appropriate under subsection (4) of this section to do so.

(2) The Registration Committee shall not cancel the registration of a member under subsection (1)(b) unless it has afforded to the member an opportunity to show cause why his registration should not be cancelled. (2) The Registration Committee shall not cancel the registration of a member under subsection (1)(b) unless it has afforded to the member an opportunity to show cause why his registration should not be cancelled.

(3) Subsections (2) and (3) of section 27 shall apply in relation to the cancellation of the registration of a member of the Institute under subsection (1) (b) of this section as they apply for the purpose of determining whether or not a person is disqualified from being registered.

(4) The Registration Committee may cancel the registration of a member of the Institute who fails to comply with the requirements of section 5.

(5) When the registration of a member of the Institute is cancelled under subsection (1) (a), the Registration Committee shall

restore the registration if, on an appeal made under section 34 the High Court allows the appeal.

(6) The Registration Committee shall upon request restore the registration of a person whose registration is cancelled under subsection (1)(c).

(7) The registration of a member shall be restored by recording in the register particulars of the restoration.

(8) The registration of a member shall be cancelled by recording in the register particulars of the cancellation.

(9) A person aggrieved by a determination of the Registration Committee under section 21(1), section 22(2) and section 24(3) may appeal to an arbitrator against such determination within twenty-one days of being notified of the determination.

(10) A person dissatisfied by a decision under subsection (9) may appeal to the High Court, which may affirm the determination of the registration Committee or allow the appeal.

PART IV – DISCIPLINARY PROVISIONS

30. Professional misconduct

(1) A member of the Institute shall be guilty of professional misconduct if such member—

(a) allows any person to practise in his name as an accountant, unless such person is the holder of a practising certificate and is in partnership with him or employed by him;

(b) enters, for the purpose of or in the course of practising as an accountant, into partnership with a person who does not hold a practising certificate, or secures any professional business through the services of such a person or by means not open to an accountant;

(c) pays or allows or agrees to pay, directly or indirectly, to any person (other than a person who holds a practising certificate, is a retired partner or the legal representative of such a partner), any share, commission or brokerage out of the fees for, or profits of his professional services;

(d) accepts or agrees to accept any part of the fees of, or profits for, the professional work of an advocate, auctioneer, broker or other agent who is not the holder of a practising certificate;

(e) solicits clients or professional work or advertises professional attainments or services by use of means which contravene the guidelines published by the Council;

(f) discloses information acquired in the course of professional engagement to any person other than a client, without the consent of the client, or otherwise than required by law;

(g) certifies or submits in his name or in the name of his firm a report of an examination of financial statements, where the examination of such statements and the related records have not been made by him or a partner or an employee in his firm;

(h) fails to observe and apply professional, technical, ethical or other standards prescribed by the Council as guidelines for practice by members of the Institute;

(i) permits his name or the name of his firm to be used in connection with an estimate of earnings contingent upon future transactions in a manner which may lead to the belief that he vouches for the accuracy of the forecasts;

(j) expresses his opinion on financial statements of any business or any enterprise in which he, his immediate family, his firm or any partner in his firm, has an interest, unless he discloses that

(k) charges, in respect of any professional employment other than insolvency or receivership, fees which are based on a percentage of profits or which are contingent on results;

(l) fails to disclose in a financial statement or otherwise a material fact known to him the disclosure of which is necessary to ensure that the financial statement is not misleading;

(m) fails to report a material misstatement known to him to appear in a financial statement with which he is concerned in a professional capacity;

(n) is guilty of gross negligence in the conduct of his professional duties;

(o) expresses an opinion on any matter with which he is concerned in a professional capacity without obtaining sufficient information on which to base the opinion;

(p) fails to keep the funds of a client in a separate banking account or to use any such funds for purposes for which they are intended;

(q) includes in any statement, return or form to be submitted to the Council any particular knowing it to be false; or

(r) is found to engage in any other fraudulent acts, or

(s) fails to do any other act which may be prescribed.

(2) Subsection (1)

(f) shall not apply in respect of information disclosed to the Institute in fulfilment of the requirements of a quality assurance programme

provided for under section 13.

(2A) An accountant shall observe the ethical guidelines and applicable standards in the discharge of duty.

(2B) The ethical guidelines and applicable standards of the accountancy profession shall take precedence over any instructions from a client or other person.

(2C) An accountant shall not be liable for taking such actions or decisions or rejecting instructions from a client if such action, decision or rejection is in pursuance of the provisions of subsections (2A) and (2B).

(2B) The ethical guidelines and applicable standards of the accountancy profession shall take precedence over any instructions from a client or other person.

(2C) An accountant shall not be liable for taking such actions or decisions or rejecting instructions from a client if such action, decision or rejection is in pursuance of the provisions of subsections (2A) and (2B).

(3) For the purposes of subsection (1)(j), the term “immediate family” includes a spouse, child, grandchild, parent, grandparent, brother, sister, uncle, aunt, first cousin or adopted child and the child of his or her brother or sister or of his or her adopted child, and such relations of the half-blood, or such child of such relations of the half-blood, as well as of the whole-blood.

[Act No. 10 of 2018, s. 81.]

31. Disciplinary Committee

(1) There shall be a committee of the

Council to be known as the Disciplinary Committee.

(2) The Disciplinary Committee shall consist of seven members who shall be appointed in accordance with subsection (3).

(3) The members of the Disciplinary Committee shall be appointed by the Minister from amongst persons nominated in the following manner—

(a) four nominated by the Council from amongst the members of the Institute, of whom one shall be

designated as the chairman;

(b) one nominated by the Council from another profession other than accountancy;

(c) one nominated by the Attorney-General;

(d) one nominated by an organization that promotes corporate governance.

(4) In making appointments under this section the Minister shall have regard to the knowledge and interest of the persons so appointed in matters pertaining to accountancy.

(5) The quorum of a meeting of the Disciplinary Committee shall be four.

(6) Subject to subsection (7), a member of the Disciplinary Committee shall hold office for three years and shall be eligible for re-appointment for one further term.

(7) Where any member of the Disciplinary Committee resigns his office or is for any reason unable to perform the functions of his office,

the Council shall with the consent of the Minister, require the respective nominating body specified in subsection (3) to nominate a replacement for such member, for appointment in accordance with that subsection.

(8) The Council shall provide the Disciplinary Committee with such facilities and resources as are necessary to enable it to competently discharge its functions.

(9) The Disciplinary Committee may, subject to the provisions of this Act, regulate its own procedure.

32. Inquiry by the Disciplinary Committee

(1) Where the Council has reason to believe that a member of the Institute may have been guilty of professional misconduct it shall refer the matter to the Disciplinary Committee which shall inquire into the matter.

(2) The provisions of the Fifth Schedule shall have effect with respect to an inquiry by the Disciplinary Committee pursuant to subsection (1).

33. Recommendation after inquiry

(1) On the completion of an inquiry under section 32 into the alleged professional misconduct of a member of the Institute, the Disciplinary Committee shall submit to the Council a report of the inquiry which shall include one or more of the following recommendations, namely—

(a) that no further action be taken against the member;

(b) that the member be reprimanded;

(c) that the member be reprimanded with publication of the reprimand in the Kenya Gazette or in any other suitable media which may include the

newspapers, electronic media and the internet;

(d) that the member pays such costs to the Institute, not exceeding one hundred thousand shillings, as may be determined;

(e) that the member undertakes training at his own cost, of such nature and duration and at such institutions as may be determined;

(f) that the member pays to the Institute a fine not exceeding fifty thousand shillings;

(g) that the member discharges his professional obligations under any contractual arrangement subject of the alleged misconduct;

(h) that any practising certificate held by the member be suspended, or

(i) that the registration of the member be cancelled and that he be not registered for such period (including life) as may be specified.

(2) Where the Disciplinary Committee, in a report makes a recommendation under subsection (1), the Council shall inform the member concerned of the action to be taken against him and effect the recommendation of the Disciplinary Committee.

(3) A member aggrieved by a determination of the Disciplinary Committee under subsection (1) may make an appeal to the Council within sixty days of the communication to him of such determination, providing the grounds upon which the appeal is lodged.

(4) The Council may upon receipt of an appeal under subsection (3) direct the Disciplinary Committee to re-open the

inquiry and shall in such direction specify the aspects of the matter it requires the Disciplinary Committee to reconsider.

(5) The Disciplinary Committee shall comply with the direction of the Council under subsection (4) and shall, after concluding the inquiry, submit a report to the Council in accordance with subsection (1).

(6) Any recommendation of the Disciplinary Committee under this section shall not be effected until after the expiry of the period prescribed under subsection (3) for appeals and the subsequent conclusion of the appeal proceedings thereof.

34. Appeals

(1) A person aggrieved by a determination of the Disciplinary Committee under section 33(2) may appeal to the High Court against such determination within sixty days of being notified of the determination.

(2) On an appeal the High Court may affirm, with or without variation, of the period for which the person concerned is not to be registered, or the period for which his practising certificate is suspended, confirm the determination of the Disciplinary Committee or allow the appeal.

(3) A determination under section 33 of this Act shall have effect notwithstanding that an appeal is made against the determination, but in the event that the High Court allows the appeal—

(a) section 28 of this Act shall have effect in relation to the cancellation of the registration of the member; and

(b) the suspension of the practising certificate of the member of the Institute shall cease to have effect.

35. Rules

(1) The Chief Justice may make rules governing appeals under section 34 and providing for the fees to be paid, the scale of costs of any appeal and the procedure to be followed therein.

(2) Until rules are made under subsection (1) of this section, and subject to any such rules, the provisions of the Civil Procedure Code (Cap. 21) shall apply as if the determination appealed against was a decree of a subordinate court exercising original jurisdiction.

36. Part to apply to previous holder of an authority to practise

For the avoidance of doubt it is declared that the provisions of this Part shall apply to any person registered as an accountant under the provisions of section 25 of this Act for actions undertaken by such person while practising under a written authority to practise granted prior to the commencement of this Act.

PART V – MISCELLANEOUS

37. Staff of the Institute and the Examinations Board

(1) The Institute and the Examinations Board may each engage and employ such persons as are necessary for the discharge of their respective functions under this Act, on such terms and conditions as may be specified in the instruments of appointment.

(2) The terms and conditions of employment of staff employed under this section shall be as may be determined by the Institute and the Examinations Board respectively.

conditions with respect to the duration of employment or with respect to dismissal from employment.

38. Protection from liability

No liability shall attach to the Institute, or the Examinations Board or to any of their respective members, employees or agents for any loss or damage sustained by any person as a result of any act or omission done or made in good faith and without negligence in the performance or exercise or the intended performance or exercise of any duty or power imposed or conferred by or under this Act.

39. Moneys payable to the Institute and the Examination Board.

(1) There shall be payable to the Institute and the Examinations Board such moneys as are appropriated by Parliament, and such grants as may be recommended by the Minister and approved by Parliament for their respective purposes.

(2) The Minister may give directions as to the amounts in which, and the times at which, moneys referred to in subsection (1), are to be paid to the Institute or the Examinations Board.

40. Accounts and audit

(1) The Institute and the Examinations Board shall keep proper accounts and records in relation to the accounts and shall each prepare in respect of each accounting year a statement of accounts.

(2) The statement of accounts of the Institute and the Examinations Board shall, subject to the overriding provisions of the Public Audit Act, 2003 (No. 12 of 2003), and mutatis mutandis, be audited by accountants appointed by the Institute and the Examinations Board, as the case may be.

(3) Within six months after the end of the financial year or other period to which the accounts examined and audited under subsection (2) relate, the Institute and the Examinations Board shall send to the Minister a copy of the statement together with a copy of any report made by the auditor concerned on that statement or on any such accounts.

41. Offences

(1) A person who—

(a) assumes or uses the title or designatory letters referred to in section 4(2)(a) and who is not a Fellow of the Institute of Certified Public Accountants of Kenya; or

(b) assumes or uses the title or designatory letters referred to in section 4(2)(b) and who is not a member of the Institute of Certified Public Accountants of Kenya; or

(c) assumes or uses the title “Honorary Fellow of the Institute of Certified Public Accountants of Kenya” and who is not such Honorary Fellow; or

(d) otherwise falsely assumes or uses any title or designatory letters prescribed by the Minister, commits an offence.

(2) A corporate body (whether incorporated in Kenya or elsewhere) which falsely uses any of the titles or designatory letters referred to in section 4(2)(a) or

(b) commits an offence.

(3) Where a firm uses the title or designatory letters referred to in section 4(2) while each of the partners in the firm are entitled to use the title or designatory letters, each of the partners of the firm commits an offence.

(4) A person who commits an offence under this section is liable on conviction to a fine not exceeding fifty thousand shillings, and, in the case of a

continuing offence, a further fine not exceeding four thousand shillings for each day on which the offence continues.

42. Examinations offences

Any person who—

- (a) gains access to examinations materials and knowingly reveals the contents, whether orally, in writing or through any other form, to an unauthorised party, whether a candidate or not;
- (b) wilfully and maliciously damages examinations materials;
- (c) while not registered to take a particular examination, with intent to impersonate presents or attempts to present himself to take the part of an enrolled candidate;
- (d) presents a forged certificate to a prospective employer or to an institution of learning with intent to gain employment or admission;
- or
- (e) introduces unauthorised materials into the examinations room, whether in writing or in any other form, whether a candidate or not, commits an offence and is liable on conviction to imprisonment for a term not exceeding three years, or to a fine not exceeding one hundred thousand shillings, or to both.

43. Conduct of prosecutions to prosecute

The Attorney-General may, pursuant to the provisions of the Criminal

Procedure Code (Cap. 75), appoint public prosecutors for purposes of this Act.

44. Vacancy in membership

The Council and the Examinations Board may exercise and perform their functions notwithstanding any vacancy among the members and the validity of any proceedings of the Council or the Examinations Board shall not be affected by any such vacancy or any defect in the appointment of a member.

45. Appointment of interim managers

(1) Where a member in private practice suffers incapacitation, the Council may appoint a person, in this section referred to as an interim manager, to conduct the professional affairs of that member for a duration not exceeding two years in accordance with the provisions of the Sixth Schedule.

(2) The interim manager appointed under subsection (1) shall be the holder of a practising certificate issued in accordance with the provisions of this Act.

(3) The provisions of the Sixth Schedule shall have effect with respect to an interim manager appointed under this section.

46. Regulations

The Minister may make regulations prescribing anything which is required to be prescribed under the provisions of this Act.

47. References to accountant

Where, in any written law, any reference is made (in whatsoever terms), or is implied as referring to an accountant, such reference or implied reference shall be deemed subject to the provisions of the Public Audit Act, 2003 (No. 12 of 2003), and mutatis mutandis, refer to the holder of a practising certificate, or to the holders of practising certificates, issued pursuant to section 21 of the Act.

PART VI – REPEALS AND AMENDMENTS

48. Amendment of Cap. 486

Section 161 of the Companies Act (Cap. 486) is amended by repealing subsection (1) and substituting therefor the following new subsection—

(1) A person or firm shall not be qualified for appointment as auditor of a company unless he or, in the case of a firm, every partner in the firm, is the holder of a practising certificate issued pursuant to section 21 of the Accountants Act, 2008 (No. 15 of 2008).

49. Amendment of Cap. 489

(1) The Building Societies Act (Cap. 489) is amended by repealing section 15 and replacing it with the following new section—

15. Audit

Every building society shall have one or more auditors, each of whom shall be the holder of a practising certificate issued pursuant to section 21 of the Accountants Act, 2008 (No. 15 of 2008).

50. Amendment of No. 14 of 2007

The Labour Relations Act, 2007 (No. 14 of 2007), is amended in section 42 by repealing subsection (5) and substituting therefor the following new subsection—

(5) The account rendered under this section shall be verified by statutory declaration, and shall be audited by the holder of a practising certificate issued pursuant to section 21 of the Accountants Act, 2008 (No. 15 of 2008).

51. Repeal of Cap. 531 and savings

(1) The Accountants Act is repealed.
(2) Notwithstanding the repeal of the Accountants Act (Cap. 531) the transitional provisions set out in the Seventh Schedule shall have effect on the repeal of the Accountants Act (Cap. 531).

FIRST SCHEDULE

[Section 3(4).]

THE INSTITUTE

Chairman of the Institute

1. (1) At each annual general meeting of the Institute a person shall be elected to the office of Chairman.

(2) Unless he earlier vacates the office, a person elected to the office of chairman shall hold the office until another chairman is elected.

(3) A person who holds the office of chairman is eligible for re-election.

(4) A person who holds the office of Chairman may resign the office by writing under his hand delivered to the Council.

2. (1) On the advice of the Council, the Minister may appoint a person to act as chairman—

(a) during a vacancy in the office of Chairman; or

(b) during any period when the Chairman is for any reason unable to exercise and perform, the function of his office.

(2) The Minister may at any time, on the advice of the Council, revoke

the appointment of a person to act as Chairman.

(3) The appointment of a person to act as Chairman ceases to have effect—

- (a) if made during a vacancy in the office of Chairman, when the vacancy ends by the election of a Chairman;
- (b) if the person appointed resigns the office by writing under his hand delivered to the Minister; or
- (c) if the Minister revokes the appointment under sub-paragraph (2) of this paragraph.

Meetings of the Institute

3. Subject to paragraph 4 of this Schedule, an annual general meeting of the Institute shall be held not later than six months after the end of each year.

4. A special general meeting of the Institute—

- (a) may be held at any time; and
- (b) be held on a written request made to the Council and signed by not less than one hundred members of the Institute.

5. (1) A meeting of the Institute shall be convened by the Council by giving to every member of the Institute a written notice—

- (a) stating the place and time of the meeting; and
- (b) indicating the business which it is proposed to transact at the meeting, which shall include, among other matters, the presentation of the following—
 - (i) a report by the Council covering the past year;
 - (ii) financial statements and the auditor's report thereon;

(iii) election of the Chairman and Council members; and

(iv) the appointment of the auditor.

(2) Notice of a meeting shall be given not less than fourteen days before the date on which it is to be held to each member of the Institute by posting the notice to the address of the member last known to the Institute, or by handing the notice to the member in person.

(3) The validity of any proceedings of the Institute shall not be affected by any failure to comply with the requirement of sub-paragraph (2) of this paragraph unless it is proved that the failure to comply in relation to any member was a deliberate failure.

6. (1) The Chairman shall preside at all meetings of the Institute at which he is present.

(2) At a meeting of the Institute at which the Chairman is not present, the Vice-Chairman shall preside.

(3) At a meeting of the Institute at which neither the Chairman nor the Vice-Chairman are present, the members of the Institute present shall elect one of their members to preside.

7. (1) Subject to this paragraph, the quorum at a meeting of the Institute shall be one hundred members.

(2) Where a general meeting of the Institute is convened—

- (a) otherwise than pursuant to paragraph 4(b) of this Schedule, and a quorum is not present when the meeting proceeds to business, the meeting shall stand adjourned until the same day on the following week, at the same time and place, and if a quorum

is not present at or within fifteen minutes after that time, the members present shall constitute a quorum; or (b) pursuant to paragraph 4(b) of this Schedule, and a quorum is not present when the meeting proceeds to business the meeting shall be dissolved.

8. (1) No business shall be transacted at a meeting of the Institute unless—
(a) the business is indicated in the notice of the meeting as business which it is proposed to transact; or
(b) in the case of business not so indicated, the meeting decides to transact the business and the person presiding at the meeting agrees to the transaction of the business.

(2) Minutes of the proceedings at meetings of the Institute shall be kept in such a manner as the Chairman or in his absence the person presiding at a particular meeting, directs.

9. The person presiding at a meeting of the Institute may adjourn the meeting from time to time and from place to place, with the consent of the meeting.

10. The person presiding at a meeting of the Institute may in his discretion limit the number of persons permitted to speak in favour of or against any motion and the time any such person may so speak.

11. (1) Questions arising at a meeting shall be determined by a majority of the members of the Institute voting on the question.

(2) Voting on any question shall be by a show of hands or such other procedure as may be prescribed in by-laws or regulations published under the provisions of this Act.

(3) Where a ballot is held, voting may be

either done personally or by written proxy.

(4) An instrument appointing a proxy shall be in writing and shall be deposited with the Secretary to the Council not less than forty-eight hours before the meeting of the Institute at which it is to be used.

(5) A proxy to be used in any ballot at any meeting may be used at the meeting or, if the meeting is adjourned, in any ballot when the meeting is resumed after the adjournment but the holding of a proxy shall not be counted towards the quorum at any stage of any meeting.

(6) The person presiding at a meeting of the Institute has a deliberative vote, and, in the event of an equality of votes, also has a casting vote.

(7) A declaration by the person presiding at a meeting of the Institute that a resolution has or has not been carried and an entry to that effect in the minutes of the meeting is evidence of that fact.

SECOND SCHEDULE

[Sections 10 (2), 11.]

THE COUNCIL

Members of the Council

1. (1) Each of the six members of the Council (one of whom shall be the Vice Chairman) referred to in section 11(f) of this Act shall be elected at an annual general meeting of the Institute.

(2) Subject to paragraph 2 of this Schedule, a member of the Council—

(a) elected pursuant to sub-paragraph (1);
(b) appointed pursuant to section 11(b), (c), (d) and (e) of this Act; or

(c) co-opted pursuant to sub-paragraph (4), shall hold office for the prescribed period, unless he earlier ceases to hold office.

(3) A member of the Institute shall be disqualified from contesting any position on the Council if within the preceding three years, such member—

(a) has been found guilty of an act of professional misconduct under section 31 of the Act, which in the opinion of the Council renders him unfit to hold the office;

(b) has been convicted of an offence and sentenced to imprisonment for a term of six months or more without the option of a fine;

(c) has been convicted of an offence involving corruption, dishonesty or abuse of office; or

(d) has been adjudged bankrupt or has entered into a composition or scheme of arrangement with his creditors.

(4) Subject to sub-paragraph (5), where a member of the Council (including a member co-opted pursuant to this sub-paragraph) ceases to hold office before the expiration of the prescribed period or

otherwise than under the provisions of paragraph 2 of this Schedule (where applicable), the Council may co-opt a person to hold that office.

(5) Sub-paragraph (4) does not apply to the members of the Council appointed pursuant to section 11(b), (c), (d) and (e) of this Act.

(6) In this sub-paragraph, the “prescribed period” means—

(a) in relation to a member referred to in sub-paragraph (2)(a), the period beginning with his election and ending at the commencement of the day on which the third annual general meeting after his election is to be held;

(b) in relation to a member referred to in sub-paragraph (2)(b), the period of three years next following his appointment; or

(c) in relation to a member referred to in sub-paragraph (2)(c), the period beginning with his being co-opted and ending at the commencement of the day on which the first annual general meeting after his being co-opted is to be held.

2. Of the six members of the Council (including the Vice-Chairman) first elected by the Institute after the commencement of this Act—

(a) two (identified by agreement of the members of the Council or by lot) shall cease to hold office at the commencement of the day on which the second annual general meeting of the Institute is to be held, save in the case of any such who earlier ceases to hold office;

(b) two (so identified) shall cease to hold office at the commencement of the day on which the third annual general meeting of the Institute is to be held, save in the case of any such member who earlier ceases to hold office; and

(c) the remaining two members shall cease to hold office at the commencement of the day on which the fourth annual general meeting of the Institute is to be held, save in the case of any such member who earlier ceases to hold office.

3. Notwithstanding paragraph 2, the office of a member of the Council shall become vacant if such member—

(a) resigns the office by writing under his hand delivered—

(i) in the case of the members appointed pursuant to section 11(b), (c), (d) and (e) to the Minister; or

(ii) in the case of any other member, to the Council;

(b) has the appointment revoked by the Minister in the case of the members appointed pursuant to section 11(b), (c), (d) and (e);

(c) ceases to hold the office in the case of the members appointed pursuant to section 11(b), (c), (d) and (e);

(d) is adjudged bankrupt or enters into a composition or scheme of arrangement with his creditors; or

(e) is absent without the permission of the Council from three or more consecutive ordinary meetings of the Council; or

(f) is convicted of an offence and sentenced to imprisonment for a term of six months or more without the option of a fine; or

(g) is found guilty of an act of professional misconduct under section 31 of the Act, which in the opinion of the Council renders him unsuitable to continue to hold office; or

(h) becomes for any reason, including infirmity of body or mind, incompetent or incapable of performing

the functions of his office.

4. (1) Subject to paragraph 1(4) of this Schedule, where a member of the Council ceases to hold office, another member shall be elected to fill the vacancy at the annual general meeting of the Institute next following, or shall be appointed as provided under section 11(b), (c), (d) or (e) of this Act, as the case may be.

(2) A member of the Council who ceases to hold office other than under paragraph 3(b), (c), (d), (e) or (f) is eligible for re-election or re-appointment.

Vice-Chairman of the Council

5. (1) There shall be a Vice-Chairman of the Council who shall be elected by the Council from amongst the members of the Council elected under section 11(f) of this Act.

(2) The Vice-Chairman shall hold office for the period of one year immediately following his election to the office or, if he ceases to hold office as a member of the Council before then, until he so ceases to hold office.

(3) Subject to paragraph 2 of the First Schedule of this Act, the Vice-Chairman may exercise and perform the functions of the Chairman if the Chairman is unable to exercise and perform those functions.

Proceedings

6. The quorum at meetings, of the Council and the arrangements relating to meetings of the Council shall be such as the Council may determine.

7. The person presiding at a meeting of the Council has a deliberative vote, and, in the event of an equality of votes, also has a casting vote.

8. Minutes of the proceedings of the Council shall be kept in such manner as the Council directs, and, on the written request of the Minister, shall be made available to him or any person nominated by him.

THIRD SCHEDULE

[Section 13(9).]

THE REGISTRATION AND QUALITY ASSURANCE COMMITTEE

1. (1) A member of the Registration Committee shall hold office for a period of three years unless he earlier ceases to hold office.

(2) A member of the Registration Committee may resign the office by writing under his hand to the Council which shall seek the nomination of a replacement for appointment by the Minister.

(3) A member of the Registration Committee who ceases to hold office at the end of the prescribed term is eligible for re-appointment.

2. (1) The procedure to be followed on a quality assurance review shall subject to this Schedule, be at the discretion of the Registration Committee.

(2) The Registration Committee shall notify the member of an impending quality assurance review at least twenty one days prior to commencement of the review.

3. (1) Where the results of a quality assurance review are considered unsatisfactory the Registration Committee may require the member or members concerned to undertake necessary corrective actions to comply with professional standards and may prescribe requirements to be observed in this respect.

(2) The requirements of the Registration Committee shall be implemented by the

member or members investigated within such time as may be determined.

4. The Registration Committee shall provide the Council with a report on all the quality assurance reviews the Committee undertakes and where necessary or appropriate, the Council shall take such action as may be recommended therein.

5. (1) The Registration Committee shall not without the consent of the member or members under review, disclose to any person other than the Council, any information received in the course of an investigation, unless such disclosure is required by a law for the time being in force in Kenya.

(2) Any member of the Registration Committee or quality assurance review team who discloses any information acquired in the course of a quality assurance review contrary to the provisions of this Act or applies such information to gain advantage whether financial or otherwise commits an offence and shall be liable to a fine not exceeding fifty thousand shillings on conviction.

6. The quorum for meetings of the Registration Committee shall be four.

7. The decision of the Registration Committee shall be that of the majority of the members present and voting:

Provided that in the event of equality of votes, the Chairman shall have a casting vote.

8. The validity of the proceedings of the Registration Committee shall not be invalidated by any vacancy in its membership.

9. A record of the proceedings of the Registration Committee shall be kept in such manner as the Committee directs, and may on a written request be availed to the Council or a party authorised by

the Council or the High Court to receive them.

FOURTH SCHEDULE

[Section 14(4).]

THE EXAMINATIONS BOARD

Members of the Examinations Board

1. (1) A member of the Examinations Board shall hold office for the period of three years next following his appointment and shall be eligible for reappointment, unless he earlier ceases to hold office.

(2) The office of a member of the examinations Board shall become vacant if Tsuch member—

(a) resigns the office by writing under his hand delivered to the Minister;

(b) has the appointment revoked by the Minister or ceases to hold the office.

(3) The Minister shall after receipt of the communication under sub-paragraph

(2), appoint a replacement in accordance with section 15(1) of the Act.

2. (1) The Minister shall appoint from amongst the members of the Examinations Board a Chairman and Vice Chairman of the Board.

(2) The Chairman and the Vice-Chairman of the Examinations Board shall hold office until they cease to hold office as members of the Examinations Board or until they resign the office under sub-paragraph (3) of this paragraph.

(3) The Chairman or the Vice-Chairman of the Examinations Board may resign the office, by writing under his hand addressed to the Minister.

(4) The Vice-Chairman may exercise any of the functions of the Chairman if the Chairman is unable to exercise and per-

form those functions.

3. (1) The quorum at meetings of the Examinations Board and the arrangements relating to meetings shall be such as the Examinations Board may determine.

(2) The person presiding at a meeting of the Examinations Board has a deliberative vote, and, in the event of an equality of votes, also has a casting vote.

(3) Minutes of the proceedings of the Examinations Board shall be kept in such manner as the Board directs, and, on the written request of the Minister shall be made available to him or any person nominated by him.

FIFTH SCHEDULE

[Section 32(2).]

DISCIPLINARY COMMITTEE

Proceedings on Inquiry

1. (1) The Council shall cause a statement to be prepared setting out the allegation of professional misconduct to be investigated by the Disciplinary Committee.

(2) The Secretary to the Council shall transmit to each member of the Disciplinary Committee and to the person whose conduct is the subject of investigation a copy of the statement prepared pursuant to sub-paragraph (1) of this paragraph.

2. (1) The Secretary to the Council shall give notice of the first date, time and place fixed for the inquiry to the person whose conduct is the subject of investigation.

(2) Every such notice shall, at least fourteen days, before the first date fixed for the inquiry, be delivered to the person whose conduct is the subject of investigation by hand or be sent to him through the post by registered letter addressed to his address

last known to the Council.

(3) Where a person whose conduct is the subject of investigation fails to appear either personally or by his advocate at the time and place fixed in the notice served on him, the inquiry may proceed in his absence.

(4) Notice of the adjournment of an inquiry shall be given to the person whose conduct is the subject of investigation in such manner as the Disciplinary Committee determines.

3. (1) A person whose conduct is the subject of investigation may appear at the inquiry either personally or by his advocate.

2) The Institute may appear at the inquiry by an advocate.

4. (1) For the purpose of the conduct of the inquiry the Disciplinary Committee has power—

(a) to administer oaths;

(b) to summon persons to attend and give evidence;

(c) to order the production of relevant documents, including court judgements; and

(d) to recover in whole or in part the costs of the inquiry not exceeding one hundred thousand shillings from any or all the parties involved in the proceedings.

(2) An oath may be administered by any member of the Disciplinary Committee or by the Secretary to the Council.

(3) Notices, orders and summonses of the Disciplinary Committee shall be issued under the hand of the Secretary to the Council.

5. (1) Subject to this Schedule on the inquiry—

(a) the procedure to be followed is within the discretion of the

Disciplinary Committee; and

(b) the Disciplinary Committee is not bound by the rules of evidence.

(2) Unless the Disciplinary Committee otherwise determines, the proceedings on the inquiry shall be held in camera.

(3) The Secretary to the Council shall keep or cause to be kept, a record of the proceedings on the inquiry.

(4) The Secretary to the Council may attend meetings of the Disciplinary Committee and may with the consent of the person presiding at a meeting take part in the deliberations on any matter arising at the meeting but he shall not be entitled to vote on any such matter.

6. (1) The decision of the Disciplinary Committee on the inquiry is that of the majority of the members present and voting for the purpose of making a decision.

(2) For the purposes of making the decision on the inquiry every member of the Disciplinary Committee has one vote, and, in the event of an equality of votes, the Chairman of the Disciplinary Committee also has a casting vote.

7. The validity of proceedings of the inquiry is not affected by any vacancy among the members of the Disciplinary Committee or any defect in the appointment of a member.

8. (1) A person served with a summons to appear as a witness at the inquiry who, without reasonable excuse fails to attend as required by the summons, is guilty of an offence.

(2) A person appearing as a witness at the inquiry who, without reasonable excuse—

(a) refuses or fails to be sworn;

(b) refuses or fails to answer a question that he is required to answer by the Chairman of the Disciplinary Committee; or

(c) refuses or fails to produce a document that he was required to produce by a summons under this Act, served on him, commits an offence.

(3) A person convicted of an offence under this sub-paragraph is liable on conviction to a fine not exceeding twenty thousand shillings.

9. (1) A member of the Disciplinary Committee has, in the performance of his duty as a member, the same protection and immunity as a judge.

(2) A person appearing before the Disciplinary Committee at the inquiry on behalf of the person whose conduct is the subject of investigation has the same protection and immunity as an advocate has in appearing for a party in proceedings in the High Court.

(3) A person summoned to attend or appearing before the Disciplinary Committee as a witness at the inquiry has the same protection, and is, in addition to the penalties provided in this Schedule, subject to the same liabilities, in any civil or criminal proceedings, as a witness in proceedings in the High Court.

10. Proceedings on the inquiry shall be deemed to be judicial proceedings for the purposes of Chapter XI of the Penal Code (Cap. 63).

SIXTH SCHEDULE

[Section 45(3).]

APPOINTMENT OF INTERIM MANAGER

1. A member in practice shall be deemed to be incapacitated when an event occurs that makes it impossible for the member to continue running the practice in accordance with the provisions of this Act or

a circumstance arises which makes it not possible for the member to continue discharging the duties expected of him as a professional accountant.

2. Every member who holds a practising certificate shall at such intervals as the Council may direct nominate a suitably qualified member in good standing to be known as the interim manager, to manage and control the affairs of his practice in the event of incapacity or inability of the member to run the affairs of the practice.

3. Where a member in practice fails to nominate an interim manager as required under this Schedule, the Council may exercise its powers as conferred in section 45 of the Act.

4. (1) For the purpose of nominating the interim manager, a member in practice or the Council as the case may be shall specify in the instrument of nomination—

(a) the general nature of obligations to be assumed by the interim manager, and specifically the role of the interim manager in the disposal of the practice and his relationship with any person who may be appointed as estate executor or administrator;

(b) the powers of the interim manager covering matters such as staff deployment or other operations of the practice;

(c) the remuneration of the interim manager;

(d) the period of service of the interim manager;

(e) the powers conferred on the interim manager to sign reports,

correspondence, agreements or other documentation in the name of the practice;

(f) the premises from which the operations will continue to take place if different

from the practice's registered office.

5. (1) An interim manager shall take appropriate steps to safeguard the welfare of clients of the practice at the time of assuming office and should desist from conduct that seeks to gain from his appointment, otherwise than in the form of remuneration agreed.

(2) An interim manager shall be responsible for their own actions. The interim manager shall exercise due care and skill in the discharge of his duties and shall provide adequate professional indemnity insurance during the term of his engagement and meet other conditions as may be prescribed.

(3) Where appropriate, the interim manager may have his name included in the letter head of the practice but may not alter the name of the practice unless this is expressly provided for in the nomination agreement.

(4) Where the nominating member has at the time of nominating an interim manager authorised the sale of his practice, the interim manager shall enter into negotiations with interested parties and shall ensure that the instructions of the nominating member are executed to his best interest.

(5) Full details of every agreement involving the appointment of an interim manager shall be submitted to the Council within twenty one days of its commencement. An interim manager shall within seven days of assuming office notify the Council of that fact.

(6) Where the Council appoints an interim manager, full details of the appointment shall be recorded by the Council and the acceptance thereof documented.

(7) The interim manager shall at inter-

vals of six months, submit a report to the person that appointed him. Where the appointing member is incapacitated or deceased, the interim manager shall submit such report to the Council. The report shall contain all such details as may be prescribed by the Council and any other matters covered within the nomination agreement.

SEVENTH SCHEDULE

[Section 52.]

TRANSITIONAL PROVISIONS

1. The Institute and the Examinations Board established under the Accountants Act (Cap. 531), (now repealed) having effect before the commencement of this Act, shall be deemed to continue operations and continue their existence as the Institute or the Examinations Board as the case may be, under the provisions of this Act.

2. The Chairman, Vice-Chairman and members of the Council of the Institute who are in office immediately before the commencement of this Act shall be deemed to have been elected within the meaning of section 11 of this Act and the validity of the proceedings of the Council shall not be affected by any irregularities in the appointment of the members of the Council.

3. The secretary to the Council who is in office immediately before the commencement of this Act shall be deemed to have been appointed within the meaning of section 12 of this Act.

4. The Chairman, Vice-Chairman and members of the Examinations Board who are in office immediately before the commencement of this Act shall be deemed to have been appointed within the meaning of

section 15 of the Examinations Board shall not be effected by any irregularities in the appointment of the members of the Examinations Board.

5. The Secretary to the Examinations Board who is in office immediately before the commencement of this Act shall be deemed to have been appointed within the meaning of section 16 of this Act. 6. Any registration certificate or practising certificate or written authority to practise issued and in force under the Accountants Act (now repealed) shall at the commencement of this Act be deemed. As the case may be, to have been issued in accordance with the provisions of this Act:

Provided that the holder of a written authority to practise shall apply to the Registration Committee for registration within a period of eighteen months after the commencement of this Act.

7. Any certificate of qualification issued by the Examinations Board at the commencement of this Act shall be deemed to have been issued under the provisions of this Act.

8. The Disciplinary Committee established under the Accountants Act (now repealed) shall be deemed to have been established within the provisions of this Act, and any proceedings or matters pending before the Disciplinary Committee at the commencement of this Act shall proceed without risk as to their validity in accordance with the provisions of this Act notwithstanding any irregularities in the appointment of the members of the Disciplinary Committee.

9. All persons who prior to the commencement of this Act were in the employment

of the Registration of Accountants Board, shall upon commencement be deemed to be employed by the Institute on such terms and may determine.

10. The service of the employees of the Institute and the Examinations Board shall be deemed to be continuous service for the purposes of the payment of all employment benefits.

11. Anything done by the Institute or the Examinations Board established under the Accountants Act, (now repealed) having effect before the commencement of this Act shall be deemed to have been done by the Institute or the Examinations Board as the case may be, under the provisions of this Act.

MEMORANDUM OF OBJECTS AND REASONS

The main object of this Bill is to repeal and replace the Accountants Act (Cap. 531) to review and improve the regulations of the accountancy profession.

Part I of the Bill contains preliminary provisions.

Part II of the Bill provides for the establishments of the Institute of Certified Public Accountants of Kenya, (ICPAK) and the Kenya Accountants and Secretaries Examination Board (KASNEB). The Bill seeks to diversify the membership of these bodies by including persons with the responsibility of promoting accountability in the Government.

KASNEB retains its powers and functions as provided in the current Act, with additional powers.

The Registration of Accountants Board established under section 11

of the Accountants Act shall cease to be a separate body as provided under the current Act and shall instead be subsumed in the Institute as a Registration Committee. Clause 22 of the Bill provides the where a registered accountant intends to practise as a firm, whether as a sole practitioner or in a partnership, he shall apply to Registration Committee for an annual licence, giving relevant particulars to the Committee. Clause 25 of the Bill provides for persons who hold letters of authority to practise under the current Act to apply for registration within a period of eighteen months after the commencement of the Act. The Bill does not contain provisions on the issuance of new letters of authority to practise, which is a transitional arrangement in the current Act.

Clause 26 set out the qualifications for registration, which remain the same as those obtaining under the current Act. It however removes the eligibility to be appointed an auditor at the commencement of the Act as a basis for registration. This was a transitional provision under the current Act.

Clause 27 sets out the disqualifications from registration, which remain largely similar to those under the current Act. Clause 28 provides for the maintenance of a detailed register by the Secretary of the Registration Committee.

Clause 29 provides for the circumstances under which the Registration Committee may cancel a member's registration and provides for appeals against decisions of that Committee to an arbitrator and thereafter the High Court.

Clause 30 defines conduct which is

deemed to be professional misconduct by registered accountants.

Clause 31 of the Bill establishes the Disciplinary Committee of the Council and sets out its membership. It is proposed that the membership of the Committee will include members who are not members of the Council of the Institute, a person nominated by a Council of a profession other than accountancy and an organization that promotes corporate governance.

The clause also prescribes the tenure of office of the Committee.

Clause 32, 33, and 34 provide for inquiries to be held by the disciplinary committee. Clause 36 clarifies that the disciplinary provisions shall apply to the holder of an authority to practise.

PART V of the Bill contains miscellaneous provisions. Clause 37 provides for employment of staff by the Institute and the Examinations Board while clause 38 provides for protection of the Institute and the Examination Board from liability for acts done in good faith and without negligence in the exercise of powers conferred by the Act.

Clause 39 provides for the funds of the Institute and the Examinations Board which are similar to those obtaining under the current Act.

Clause 40 provides for the audit of the accounts of the Institute and the Examinations Board.

Clause 41 prescribes offences and penalties for improper use of titles provided under the Act.

Clause 42 provides for examination offences and prescribes penal

ties for those offences.

Clause 43 provides for appointment of public prosecutors by the Attorney-General for purposes of the Act.

Clause 44 provides for validity of the meetings of the Council and the Examinations Board irrespective of a vacancy in membership while clause 45 empowers the Council to appoint an interim manager for the professional affairs of a member of the Institute in public practice who is incapacitated.

Clause 46 provides for the making of regulations by the Minister.

PART VI of the Bill contains repeals and amendments of the statutes.

Clause 48 proposes to amend section 161 of the Companies Act (Cap. 486) to require that to be appointed an auditor for a company, a person should be the holder of a practising certificate issued under the proposed Act.

Clause 49 proposes to amend the Building Societies Act (Cap. 489) to require that in order to be appointed an auditor of a building society a person should be the holder of a practising certificate under the proposed Act.

Clause 50 provides for the repeal of the Accountants Act (Cap 531).

THE FIRST SCHEDULE contains provisions of the Institute.

THE SECOND SCHEDULE prescribes the mode of appointment or election of the member

of the Council of the Institute.

THE THIRD SCHEDULE has provisions on the procedure to be followed by the Registration Committee.

THE FOURTH SCHEDULE has provisions on the membership of the KASNEB.

THE FIFTH SCHEDULE set out the procedure at an inquiry held by the Disciplinary Committee.

THE SIX SCHEDULE provides the details regarding the appointment of an interim manager.

THE SEVENTH SCHEDULE has transitional provisions which will take effect upon the enactment of the Bill. It has savings for the Chairman, Vice-Chair man, members and Secretary of the Council who are in office at commencement of the Act. Similar provisions are made in relation to the Examinations Board.

Also preserved are the Disciplinary Committee and the employees of the Registration of Accountants Board, who shall be deemed employees of the Institute. All actions undertaken by the Institute of the Examination Board are similarly preserved. The enactment of this Bill will not occasion additional expenditure of public funds.

Dated the 19th March, 2008

AMOS KIMUNYA

Minister for Finance.

Section 161(1) of Cap. 486 which it is proposed to repeal and replace-

(1) A person or firm shall not be qualified for appointment as auditor of a company unless he, or in the case of a firm, every partner in the firm is the holder of a practising certificate issued pursuant to section 21 of the Cap 531 Accountants Act.

Section 15 of Cap. 489 which it is proposed to repeal and replace Auditors.

15. Every building society shall have one or more auditors, each of whom shall be the holder of a practising certificate issued pursuant to Cap. 531 section 21 of the Accountants Act.

Section 42 (5) of No. 14 of 2007 which it is proposed to repeal and replace- (5) The account rendered under this section shall be verified by statutory declaration, and

shall be audited by the holder of a practicing certificate issued pursuant to section 21 of the Accountants Act.

CODE OF ETHICS

STATEMENT 1. INTRODUCTION

Powers to Make By-Laws

1. The Institute may from time to time, by resolution passed by a majority of not less than two-thirds of the members present and voting (in person or by proxy) at a meeting specifically convened for the purpose with at least fourteen days' notice in writing, make

such by-laws regulating the affairs of the Institute as it deems fit and from time to time rescind or vary any such by-laws and make others in their stead but so that the by-laws shall not in any respect be inconsistent with the express or implied provisions of the Act.

Commencement of By-Laws

2. These by-laws of the Institute shall take effect on the date the same have been passed by a majority of two-thirds of those present and voting at a meeting duly convened for this purpose.

Meaning of Words

3. Words in these by-laws have the same meaning as in the Act, and references herein to Associates, members, fellows, and meetings etc., shall, unless the contrary intention appears, be construed as having reference to Associates, members, fellows, and meetings respectively of the Institute.

4. "The Act" means 'The Accountants Act, Number 15 of 2008'

STATEMENT 2. MEMBERS

Entrance Fees and Subscriptions

5. Each person shall on being notified of his registration under Section 4 (1) of the Act remit to the Institute within a period

of 30 days such entrance fees and subscriptions as the Council may determine from time to time.

Annual Subscriptions

6. Annual subscriptions shall become due and payable on the first day of January in each year from all members on the register of the Institute on the preceding 31st Day of December.

Scales of Annual Subscriptions

7. Each member on the register shall pay the annual subscription applicable to him on the first day of January of each year and such additional subscription as may be due by reason of a member changing his subscription category during the year.

8. Where a person is registered after the last day of June in any year, he shall pay one half of the subscription applicable in that year.

Cancellation of Registration

9. Where any entrance fees, subscriptions or other appropriate dues remain unpaid after three months from the due date, the member in default will be liable for exclusion from membership of the Institute in accordance with Section 29 (1) (c.) of the Act 6 of 27 | ICPAK By-Laws unless an agreeable payment schedule is entered into with the Institute. Where the Council has entered into a payment scheme of an outstanding amount with a member, an administrative charge as determined by the Council, shall be payable to the Institute. Failure to honor such agreed upon payment schedule will cause the member to be liable to immediate exclusion from membership".

Certificate of Membership

12. Each member shall be entitled to receive a certificate of membership of the Institute, but certificates shall not be issued to new members until their dues have been received. Certificates of membership shall remain the property of the Institute and shall be returned to the Secretary of the Institute upon suspension or termination of membership of the member concerned.

Particulars of Members

13. It shall be the duty of each member to inform the Secretary of any change of address as soon as it occurs. It shall further be the duty of each member to supply the Council with any information which may be required for the purpose of carrying out the provisions of the Accountants Act or these by-laws.

14. The Institute shall not be responsible for any loss occurring due to failure by any member to supply the information referred to in by-law 13.

Resignation from Membership

15. Any member may tender his resignation from membership by sending a notice in writing to the Secretary. The Council may make separate guidelines for action on resignations of members not in good standing or against whom disciplinary proceedings or investigations are pending.

List of Members

16. An up-to date list of members of the Institute, together with such other By-Laws, guidelines and Regulations con-

cerning the Institute as the Council may deem necessary, shall be maintained at the Office of the Institute and shall be posted on the Institute's official website, from where members can access the information, free of charge.

Forfeiture of Rights

10. Any member whose subscription remains unpaid after the due date shall be deprived of his rights of voting, proposing or seconding candidates for, and of being appointed or elected to, any office of the Institute.

Remission of Subscription

11. The Council may remit all or a part of the subscription due from any member in consideration of any hardship circumstance suffered or experienced by such member. For the purposes of this provision, the following are the circumstances that will qualify as hardship: Retirement by the Member where such member attains the age of 60 and/or illness necessitating hospitalization for a continuous duration exceeding six months.

Meetings of the Council

17. The Council shall meet at the Office of the Institute on the 3rd Monday in each month, or at such other times and places as it may determine.

Convening of Council meetings

18. A meeting of the Council may at any time be convened by order of the Chairman or Vice Chairman or at the request in writing, addressed to the Secretary, or three members of the Council.

Notice of Meetings

19. Notice of each meeting of the Council shall be sent to each of Council member of the Council at his mailing address as shown in the official records of the Institute, at least seven days before such meeting excluding the day on which the notice is sent and the day on which the meeting is to be held.

Voting

20. At all meetings of the Council the vote of the majority of those present and voting shall prevail and, as provided in Section 8 of the Second Schedule of the Act, the person presiding shall have a deliberative vote and a casting vote in the event of an equality of votes.

Quorum

21. At all meetings of the Council 5 members shall form a quorum.

Minutes

22. A copy of the minutes of each meeting of the Council shall be forwarded to each member of the Council Past Chairman

23. When a new Chairman is elected into office, the immediate Past Chairman may be invited to attend all the Council meetings for a period of one year, or until the next Annual General Meeting after his ceasing to be the Chairman.

Use of Common Seal

24. The Common Seal shall not be affixed to any instrument except by order of the Council and in the presence of the Chairman or the Vice Chairman and a mem-

ber of the Council. Every such instrument shall be signed by the two persons in whose presence the seal is affixed, and be countersigned by the Secretary or such other permanent officer of the Institute as the Council may from time to time direct.

Secretary

25. The Secretary shall be responsible to the Council for all executive functions of the Institute.

26. All official communication from the Institute to the members shall be sent by the Secretary and such communication will be sent to the address of the members as appearing in the records of the Institute or in such other manner as the Council directs. Any such correspondence mailed to the member shall be deemed to have been duly served seventy-two hours after the time of mailing the same.

Committees

i. Subject to the specific provisions in the Act governing the deliberations of the Disciplinary Committee and the Registration & Quality Assurance Committee, the provisions under this heading apply to all the committees.

ii. The Council may appoint committees, subcommittees, steering committees or any other committees or workgroups and may prescribe their duties, powers, responsibilities and procedures in the manner it deems fit.

iii. save as otherwise expressly authorized, any act, decision or powers exercised by the committees shall not be binding on the Council Committee Members.

iv. Appointments to or removal from the membership of the committees shall be approved by the Council.

v. Each Committee shall consist of not less than 5 or more than 10 members excluding the ex-officio members.

vi. Committees may with the approval of Council co-opt additional members to hold office for a period not exceeding one year

Convenors of Committees

vii. Each Committee shall be presided over by an official to be known as the "Convenor" who will be appointed by the Council.

viii. (The Chairman, Vice-Chairman and Secretary shall be ex-officio members of all the committees.

Duration of and Exclusion from Membership

ix. One third of the members of each committee except the Convenor shall retire every year but such retiring members shall be eligible for reappointment by consent of the Council.

x. Those members to be retiring will be determined either by mutual agreement, or by lot.

xi. Absence from the three consecutive meetings without good cause or notice shall render the member liable to exclusion from membership.

Quorum

xii. The quorum for a meeting will be equal to fifty percent of the total membership rounded to the greater whole number in the event that total membership is an odd number.

Frequency of Meetings

xiii. Committees shall hold meetings at least once in two months or at such times as the Convenor may decide.

Terms of Reference

xiv. The Council shall define the terms of reference of each committee and the committee shall be bound to act within these terms.

xv. The Council shall have power to assign additional duties to committees.

Procedure Matters

xvi. If the Convenor is not present at a committee meeting then the members present shall elect a person amongst them to preside over the meeting.

xvii. Committee members and the Secretary only, will attend meetings, and no other person without the express authority of the Convenor shall be present at such meetings.

xviii. Resolutions arising at a meeting shall be passed by a majority of the members present and voting.

xix. In case of equality of votes, the Convenor or the member presiding will have a casting vote.

xx. The Secretary shall cause minutes to be kept of all the proceedings at meetings.

STATEMENT 5. FINANCES

Receipts and Payments

28. All monies received by the Institute shall be paid intact into the bank account of the Institute.

29. The Council shall from time to time authorize all expenditures for and on behalf of the Institute.

Investment and Employment of funds

30. The Council shall have full powers to invest the surplus of the Institute in any

manner it deems fit in the best interests of the Institute.

Borrowing

31. The Council may from time to time borrow money for the purpose of the Institute and may pay interest and other finance charges out of the funds of the Institute.

Audited Accounts

32. Audited Accounts, namely an Income and Expenditure Account for each financial year and Balance Sheet as at the end of that year shall be laid by the Council before the members at the annual general meeting. The date of the said Balance Sheet shall not be more than six (6) months earlier than the date of such meeting. The Audited Accounts may be sent or otherwise made available by electronic means and not by post. The Institute shall send the audited accounts electronically to members electronic mail address as availed to the Institute and shall not be bound to send to members whose address is not known. The Institute may also avail the Audited Accounts to all persons entitled thereto by publishing them on the Institute's official website and drawing attention to the website on which the Audited Accounts in full may be read, and the address to which requests for a printed copy may be submitted. Upon such publication, the Accounts shall be deemed to have been sent to every Member entitled to receive a copy of the Audited Accounts.

STATEMENT 6. GENERAL

Professional Ethics and Standards

33. In order to promote acceptable stan-

dards of professional competence and practice amongst members of the Institute, the Council may issue and the members shall accept standards of practice in the accounting profession and guidelines on ethical behavior. For purposes of enforcing discipline, the provisions of the code of ethics and related guidelines shall be an addendum to Section 30 of the Act. 34. In order to maintain and improve technical skills and abilities amongst members of the Institute, the Council may issue and the members shall accept regulations concerning Continuing Professional Development. Members are required to observe the following regarding the Continuing Professional Education:

- i. "Members of the Institute shall be required to, at the end of each year, furnish the Institute with information on their Continuing Professional Development activities for each year, not later than three months after the end of that year.
- ii. In the event that the member has failed to comply with the laid down regulations concerning Continuing Professional Development requirements, existing at the time, they shall be required to ensure such compliance is achieved in the ensuing calendar year..
- iii. iii.) "Members of the Institute who are classified as Retired Members, as may be defined from time, but continue to practice as auditors shall for the purposes of this provision not be considered as members in retirement.

A member who fails to comply with these provisions shall be deemed guilty of Professional Misconduct as prescribed by the Accountants Act No. 15 of 2008 in Section 30 (1) (h) and shall be liable to disciplinary

action.

35. In order to maintain and improve professional skills and abilities amongst practicing members of the institute, the Council will issue and members shall accept regulations concerning Audit Quality Review.

36. The practising firm's name must not include any name other than any of the following:

- i. The names of existing partner or partners
- ii. The names of former partner or partners.
- iii. The names of the existing or former partners of a firm with which a member becomes associated.
- iv. Abbreviations of the names of the existing or former partner or partners.
- v. Any other name that may be approved by Council

Designation

37. Members in practice shall describe their firms as 'Certified Public Accountants' or "Certified Public Accountants of Kenya".

Practice

38. "Members in practice shall sign on their assurance engagements in their own names on behalf of their firm whether they are sole proprietorships or partnerships. They may however sign using the name of the firm provided the name of the person signing is indicated in a prominent place below the signature.

39. While it is recognized that liability for losses by clients is borne by all partners jointly and severally, the Institute shall commence disciplinary proceeding against members for professional mis-

conduct as individuals unless where all partners are involved in which case disciplinary action shall be taken on the entire firm.

38. "members who are in practice and are suspended pursuant to a disciplinary process under the Act shall hand over the activities of the firm to an interim manager approved by the Institute for the period of suspension in the case of sole practitioners or to the other partners where there is more than one partner"

39. Members of the Institute in public accounting practice shall be required to furnish the Institute with information on any new branches of their accounting practice that they setup. In addition, where such branches are managed by a Manager who is not a partner of the firm, such managers shall be required to be registered members of the Institute. In such cases, the partner or partners of the firm shall be required to demonstrate to the Council that they thoroughly and properly review the work undertaken in their Branch or Branches at regular intervals and furnish written evidence of such reviews upon request by the Council.

Disciplinary Appeals

40. Any member of the Institute who has been disciplined by the Disciplinary Committee and wishes to appeal to Council under section 33 (3) of the Accountants Act shall pay the costs for the appeal as determined by Council and a deposit of the defined amount shall be required at the time of delivering the memorandum of appeal or within a month there from.

STATEMENT 7. MEETINGS

Annual General Meeting

41. The Annual General Meeting of the Institute for transaction of the ordinary annual business of the Institute (namely the election or re- election of the Chairman and members of the Council, the receipt and consideration of the annual report of the Council and accounts of the Institute together with the auditor's report thereon and appointment of auditor) shall be held in Nairobi or elsewhere in Kenya in every year within six (6) months after the end of the financial year.

Special General Meeting 42. The Council may, by giving not less than 14 days notice and upon a requisition signed by at least One Hundred members and accompanied by a deposit of a sum sufficient to cover the expenses incidental to the summoning and holding of the meeting, convene a Special General Meeting within 28 days of the receipt of the requisition. Every such requisition and notice shall specify the purpose for which such meeting is requisitioned or called. No other business shall be considered at such meeting. In the event of the proposal of the requisitionists being carried, the deposit shall be refunded to the persons by whom it was paid. If the Council, within 28 days from the date of the requisition fails to proceed duly to call a Special General Meeting, the requisitionists or any 100 or more of them may themselves call a Special General Meeting giving not less than 14 days notice thereof, provided that any meetings so called shall not be held after the expiration of 3 months

from the said date. In the event of the Council failing to proceed as aforesaid, the deposit paid by the requisitionists shall be returned to them.

Quorum

43. At every Annual or Special General Meeting a hundred members personally present shall form a quorum. If at such meeting a quorum be not present within one hour of the appointed time for holding the meeting, the meeting, if convened upon requisition of members, shall be dissolved. In any other case it shall stand adjourned until the same day in the following week at the same time and place and if a quorum is not present at the adjourned meeting within fifteen minutes after that time, the members present shall form a quorum.

STATEMENT 8. ELECTIONS

Chairman

44. In accordance with Section 1 (1) of the first schedule of the Act a Chairman will be elected annually by the members to serve for the ensuing year.

Nomination Procedures

45. All nominations for elections to the office of the Chairman must be completed on the official nomination form which will be obtained from the Institutes office, website or by written request to P. O. Box 59963 - 00200 City Square, Nairobi.

46. The nomination paper must be signed by the nominee indicating his willingness to stand for election and by a proposer, seconder and five members of the

Institute, all of whom must have paid their subscription for the current year. Duly completed nomination papers must reach the Institute's office not later than the time stipulated by the Council.

47. Every completed nomination paper must be returned together with brief details of the nominee which shall be provided in a format to be decided by the Council.

48. Only eligible members of the Institute can vote for Chairman and Council members. Associate and Honorary members shall not be eligible to participate or vote in elections.

49. Duly completed nomination papers must reach the Institute's registered office not later than the time stipulated by the Council. The nomination papers shall be forwarded in a sealed envelope on which should be clearly marked "NOMINATION".

50. Any nomination paper not completed in accordance with the rules and procedures laid down herein will be declared null and void.

51. All nominations for the Chairman will be opened at a Council Meeting and names and details of persons validly nominated will be dispatched to members together with the Voting Paper.

52. Each member shall vote for one nominee for the post of Chairman. Any Voting Paper with votes for more than one nominee shall be declared null and void.

53. A Candidate may contest only one position, either of Chairman or of Council member. A member serving on the Council and wishing to contest the position of the Chairman shall resign their position on the Council, with such resignation

taking effect at the next Annual General Meeting. The resignation shall be communicated to the Council before the vacancies in the respective positions of Chairman and Council Member are declared by the Council.

54. In the event that only one candidate is validly nominated for the post of Chairman, the Returning Officer shall declare that no elections for the position of Chairman will be held and shall present the results for confirmation at the Annual General Meeting.

Council Members

55. All nominations for election of the Council members must be completed on the official nomination form, which will be obtained from the Institute's office, electronically, or by written request to P. O. Box 59963 - 00200 City Square, Nairobi. Nomination Procedures

56. The nomination paper must be signed by the nominee indicating his willingness to stand and by a proposer, seconder and five members of the Institute, all of whom must have paid their subscriptions for the current year.

57. Every completed nomination paper must be returned together with brief details of the nominee, which shall be provided in a format to be decided by Council.

58. Each member of the Institute can only support nominations for a number not exceeding the number of vacancies on the Council. 59. Duly completed nomination papers must reach the Institute's office not later than the time stipulated by the Council. The nomination papers shall be forwarded in a sealed envelope

“NOMINATION”.

60. While nomination papers may be forwarded electronically, any nomination paper not completed By-Laws in accordance with the rules and procedures laid down herein will be declared null and void.

61. All nominations for election of Council members will be opened at a Council Meeting and names and details of persons validly nominated will be dispatched to members together with the Voting Paper.

62. Where the number of vacancies on the Council is equal to the number of candidates validly nominated, the Returning Officer shall declare that no elections for the position of Council Member will be held and shall present the results for confirmation at the Annual General Meeting.

63. The Secretary shall at least 30 days before the Annual General Meeting send a Voting Paper electronically and/or by post to every member whose subscription for the current year shall have been paid.

64. The form of Voting Paper shall be determined by the Council, nevertheless it shall include names of the validly nominated candidates and a space on which a vote for each candidate shall be marked.

65. The vote by each member shall be cast by placing a tick () or a cross (X) in ink in the space provided for each candidate. Any other kind of mark will nullify the vote.

66. Every member shall place his duly filled voting paper in an envelope marked “Voting Paper” and shall send it to the Secretary so as to reach him/her at least 7 clear days before the date fixed for the Annual General Meeting or within the period specified in the notice of the election. The Secretary shall keep in safe custody

all returned voting papers unopened for subsequent opening and examination by scrutineers.

67. The Secretary to the Council shall keep all ballot papers returned unopened in a sealed box in the Institute's office. The ballot box shall have two locks. The keys to one lock shall be kept by the Returning Officer and those of the other by the Secretary to the Council. The form of ballot box shall be determined by the Council, which will ensure adequate security for voting papers. 68. The voting papers shall be opened and serially numbered at least 3 days before the Annual General Meeting at a place and time to be made known to members in advance in the presence of any candidate or his duly authorized representative who may wish to witness the opening and the counting of votes. 69. The Council shall present all the ballot papers that have not been circulated and the same shall be verified by the scrutineers, the candidates and their representative should have access to the register.

70. Counting of votes shall be done by the scrutineers in the presence of candidates and their agents. In case of an equality of votes, the tie shall be resolved by lot. Any candidate or authorized representative can request a recount of votes at any stage with the approval of the Returning Officer whose decision on this matter shall be final.

71. As soon as the voting papers have been examined and the results of election ascertained, the decision of the scrutineers shall be final and the voting papers shall be closed under the seal of the scrutineers, and shall be retained by the Secretary for at least six months after the Annual

General Meeting, after which they may be destroyed.

72. The report of the Returning Officer and scrutineers on the elections and the results thereof shall be read by the Returning Officer to and confirmed by the Annual General Meeting.

73. The elected members shall commence their terms of office after the confirmation of the report of the Returning Officer and the scrutineers by the Annual General Meeting.

Returning officer and Scrutineers

74. The Council shall, every year at a suitable time prior to the Annual General Meeting, appoint four scrutineers one of whom shall be the Returning Officer and who shall be required to attend the Council meetings at which nominations are to be opened. Candidates shall not be eligible to become scrutineers. The Secretary shall be an ex-officio member of the scrutineers panel.

75. The Returning Officer and any two of the scrutineers shall form a quorum.

76. Any subsequent vacancy on the scrutineers panel shall be filled by a member to be appointed by the Returning Officer. Guidelines on Ethical Marketing & Publicity practices by Professional Accountants.

Preamble

The issue of marketing & publicity of professional Accounting Practice remains a contentious and challenging issue to the Accountancy Profession in Kenya and beyond.

The Accountants Act No. 15 of 2008 in Section 30 (e) allows the Institute's Council to promulgate and publish guidelines on advertising which comply with the

IFAC code of ethics on the same.

In reviewing the subject, the following observations have been made:-

(a) The Accountants Act in section 30 (1) (e) requires members soliciting clients or professional work either directly or indirectly, and/or advertising professional attainments or services to use means that adhere to the guidelines published by Council.

(b) The code of ethics allows publicity given to members' activities (both professional and otherwise) and the professional activities of a firm. In view of the above issues, the Institute has deemed it necessary to draw the attention of its members to the subject and guide them in their marketing and publicity activities.

The approach taken is:-

- (i) To review the purpose of marketing and advertising to professional accountants.
- (ii) To make recommendations on acceptable and unacceptable practices.

The purpose of marketing and advertising

It is generally accepted that while marketing, which is the process of identifying client needs and making the product to satisfy these, is acceptable, advertising which is the communication to the public of the services that a professional accountant has to offer is limited by law, custom and the code of Ethics. Publicity on the other hand can be a communication intended to solicit clients or professional work or a communication that does not solicit for professional work. The guidelines are therefore primarily aimed at setting boundaries for marketing practices within the Accountants Act and the code of Ethics.

While it is not possible for the Institute to envisage all the possible situations in which an accountant can promote him/herself or their capabilities, the guidelines are intended to act as a compass of the general considerations that a member should have in mind when putting out a communication that is not a direct solicitation of professional work.

A. General Guidelines

1. A firm shall not seek to obtain clients by any communication or advertising (written, oral, or electronic), or other forms of solicitation:

- (i) in a manner that is false, fraudulent, misleading, deceptive, unfair, tends to promote unsupported claims, or
- (ii) which is accomplished or accompanied by the use of coercion,

duress, compulsion, intimidation or vexatious or harassing

conduct. A false, fraudulent, misleading, deceptive, unfair,

unsupported statement or claim includes (but is not limited to) those that:

- (a) create false or unjustified expectations of favorable results;
- (b) contain a misrepresentation of fact;
- (c) imply the ability to influence any court, tribunal, regulatory agency or similar body or official;
- (d) consist of statements that are self-laudatory and that are not based on verifiable facts;
- (e) make incomplete comparisons with other firms;
- (f) contain testimonials or endorsements;
- (g) is likely to mislead or deceive because

in context it makes only partial disclosure of relevant facts;

(h) relate to fees or a range of fees not fully disclosing all variables and other relevant

facts; or

(i) contain any other representations that would be likely to cause a reasonable and ordinary prudent person to misunderstand or be deceived.

2. A CPA shall not on behalf of himself, his partner or associate, or any other individual affiliated with him or his firm, use or participate in the use of any form of public communication containing a false, fraudulent, misleading, deceptive or unfair statement or claim, or advertising which the Council considers to be self-serving rather than in the public interest. Publicity not in the public interest shall include, but not be limited to, advertising or marketing that:

- (a) is false, fraudulent, deceptive, or misleading;
 - (b) Guarantees any service based on discretionary decisions of regulatory authorities;
 - (c) makes any claim relating to professional services or products or the cost or price thereof which cannot be substantiated by the firm, who shall have the burden of proof;
 - (d) makes claims of professional superiority which cannot be substantiated by the firm, who shall have the burden of proof; or
 - (e) offers inducements in any form for a professional service or product.
- Giving information on a CPA firm within the guidelines specified herein above in a website is acceptable. A CPA firm

offering to perform professional services via the internet must include the following information on the internet:

- (a) CPA business or CPA firm name;
- (b) principal place of business;
- (c) business telephone;
- (d) Partners' registration numbers; and
- (e) Partners' practicing certificate numbers.

B. Specific Guidelines

Publicity

4. Publicity on a member's professional and corporate social responsibility activities is acceptable. 5. Publicity is desirable for the appointment of members to positions of national or local importance, as well as to the boards of companies, and there is no restriction on the provision of such information to the press, general or professional.

6. Articles and communications in the press by a member to educate the public on taxation, audit and general financial matters is acceptable.

7. A Certified Public Accountant (CPA) can be the source of a story about himself in the print or electronic media but should not be the reporter and the story should adhere to the guidelines specified herein above.

8. Sponsoring Institute activities and publicizing the fact in the media 9. Sponsoring charitable events/ organizations that engage in social welfare e.g. health organizations, sports clubs and availing of firm brochures during such events.

10. Giving firm, promotional material in their firms' office. The material can have the firm's name and the slogan.

11. Paid announcements when opening a new office, changes in the membership of a firm and changes in the name or address of a firm.

12. Putting a signpost giving directions to the firm's offices at the nearest junction to the firm's offices.

Advertising

13. Members can seek professional work by means of non-comparative and non-laudatory advertising. Any advertising materials should follow the samples given in schedule I of this guideline and any major deviation should be referred to the Institute for approval.

Articles and letters in the press

14. Member submitting articles, letters or other contributions of public interest to the press, may use their professional designation and/or designatory letters. In practice, they may also mention the name of their firm, except that they should issue appropriate disclaimers regarding the views expressed in situations where such views can be contested.

Radio and television programmes

15. Members participating in radio or television programmes may do so under their own name and may use their professional designation or designatory letters. In the case of relatively isolated appearances, reference to the member's firm may be allowed, but if the member is participating in a series, no such reference should be made.

Authorship of books

16. A member writing a book, monograph, pamphlet, etc, may quote therein

his designation and/or designatory letters, together with such other personal particulars, as are usual, viz, education, hobbies and interests, other qualifications and previous publications.

Appointments

17. Publicity is desirable for the appointment of members to positions of national or local importance, as well as to the boards of companies, and there is no restriction on the provision of such information to the press, general or professional.

Appointments to trade and similar associations

18. A member appointed to an office with a trade or similar organisation must ensure that he does not take advantage of his position to acquire professional work. In particular, where the trade association offers for the benefit of members an advisory service on accountancy, taxation, etc, which is serviced by a member of the Institute, the latter

should ensure that:-

- a). there is no reference to the member by name in literature issued by the organisation;
- b). there is no direct contact between the member of the Institute and the individual member of the trade or other organisation requiring advice;
- c). where, on very rare occasion, such direct contact is essential, the professional adviser retained by the member of the organisation is informed;
- d). advice is given to the trade or other organisation and not to any individual member thereof.

Booklets

19. A member in practice may prepare a booklet specifying the services he provides and the name and address of his firm. Circulation of booklets should be restricted to clients and to those who have requested them. Booklets should not be circulated to the general public or to any section thereof unless in an event organized by the member where the booklets can be availed at one point to be picked by interested participants.

The contents should be, as far as possible, factual and objective. Technical literature produced for the information of clients and others may also be displayed in the waiting room.

Names, descriptions and addresses on envelopes

20. The name, description and address of a member or his firm (either printed or produced by franking machine) may appear on business envelopes, provided that the inscription conforms both in size and otherwise to the normal standards of professional good taste. Changes in partnership or address, commencement in practice etc.

21. Changes such as the retirement or admission of a partner, change of address, merger with another firm and the like should normally be notified to clients and business associates by letter. Such information may also be published in the press as paid announcement provided that the member's name or firm name is not given undue prominence and that the content of the announcement is appropriate in size and presentation. Announcements of

commencement in practice are permitted on the same conditions.

Advertisements for sub-contract work

22. Advertisements for sub-contract work may be inserted in the Institute's Journal or any other suitable media. A member may also make direct approach to another member of the profession informing him of the services he offers. This approach may be made by letter or circular provided that in the latter case the circular is, in content and presentation, in conformity with this guideline. Members seeking sub-contract work must hold a practicing certificate.

Advertising for partnership or salaried employment

23. A member is free to advertise for partnership or salaried employment either in the professional or non-professional press.

Advertising for staff/Clients staff

24. Particular care is necessary in preparing advertisements for staff which are to appear in the non-professional press, otherwise such notices can often be criticised as constituting a laudatory advertisement of the member or his firm and/or of the professional services he provides.

The following guidelines should therefore be observed:-

- a) The name of the member or firm should not appear with undue prominence or frequency.
- b) The duties to be performed may be described in reasonable detail but should not be capable of being regarded as constituting an unfair advertisement of the services by the member or his firm.

Advertising relating to property or business

25. A member or firm who is acting for a client in the buying or selling of property or a business may advertise in this connection provided that his name, description and address is not given undue prominence. The same applies when a member advertises property, etc., in the course of professional work as a trustee, liquidator, receiver, etc.

Member as an election candidate

26. A member who is a candidate at a national or local election may quote his designation and/or designatory letters in any election literature. A member who is in practice may give whatever details he likes regarding his employment as long as it is in conformity with this guideline.

Entries in directories

27. The name and addresses of practising members and/or of their firms may appear in directories, whether local or national, general or specialised. Such entries must not either by reference to size or presentation be capable of being construed as a direct advertisement and should not 'normally contain more than the member's name, address and professional description, together with telephone, telex or similar information.

Use of a member's name by a client

28. If a company or other client wishes to make use of the name and description of their auditor in any business document or literature other than their financial statements for which the auditor accepts responsibility, the member should make it clear that his approval must be obtained.

29. It is only rarely that such permission can be justified. In those cases, the member should ensure that his name is not given undue prominence in the document. In the same way, member's name and description, either as auditor or in some other professional capacity, should not be permitted to appear on a client's note paper.

30. Audit reports on headed notepaper in facsimile form should not be included in published accounts.

31. The above applies only where the member is acting in some professional capacity. It does not apply to a member who is appointed chairman, director, treasurer, secretary or other officer of a company or as an employee, in which case his name and designatory letters may appear in any document issued by the organization.

32. A member making for publication a report on, for example, net sales or newspaper circulation figures, should be careful to ensure that his report deals only with ascertained facts. If this report is quoted in any literature by the organisation or in the press, it should not be presented in such a way, either as to size or presentation, as to be capable of being regarded as an advertisement for the member and should not include his practising address.

Solicitation

33. A member should not in any circumstances obtain or seek professional work for himself or another member in any unprofessional manner. Former employees of practising accountants leaving to become independent practitioners should avoid the initiation of communication with clients of former employers telling them of

their new activities. In particular members should observe the following:

(a) A member, who is an employee, other than an employee of a Certified Public Accountant, should not, on behalf of his employer, carry on in his own name, any business which is normally carried on by a Certified

Public Accountant

(b) A member, who is employed by another member or by a firm of Certified Public Accountants engaged in public practice, should not undertake professional work on his own account or in partnership with another member(s) without consent of his employer.

(c) There may be cases in which members in practice are retained by organizations, which in their turn, offer advice to their members on accountancy matters. The member retained by the organisation may, in relation to matters referred to him by the organisation, deal only with the organisation itself and not directly with any of its members. The member should ensure that in any relevant literature issued by the organisation neither his name nor the name of his firm is given undue publicity.

C. Prohibited activities by members

34. Making exaggerated claims on services that one is able to offer, qualifications possessed or experience gained. This can be in quotations, firm's profiles or other communication to current and prospective clients who have requested for such information.

35. Making disparaging reference or unsubstantiated comparisons to the work of others.

36. Allowing clients to make use of the name and description of their auditor in business document or literature other than financial statements.

37. Publishing audit reports on headed notepaper

38. Using logos which have slogans or mottos which are not factual or objective in nature in the firm's materials, correspondence or literature.

D. Remedies available to members when publicity is given without their consent the following

remedies will be required to be undertaken in mitigation of the offence as soon as the offence is realized:

(i) The member/s will be ordered by the Institute to place an advertisement of similar size and/or prominence either denying or dissociating themselves from the assertions made in the initial advertisement.

(ii) A member/s may in addition be required to obtain an apology from the media house with a copy of such apology being sent to the Institute.

40. The above remedies will serve as mitigation in determining whether or not the offence will be referred for disciplinary inquiry but shall not in themselves be sufficient to terminate the investigations in the circumstances surrounding the advertisement.

SCHEDULE I (paragraph 13)

A. SAMPLE SUPPLEMENT

1. Message from the Chairman and Group Chief Executive.

It is with great pride that ABC and XYZ Consulting Ltd announce their admission

as full member firms of BMS International.

ABC becomes only the third full member firm from Africa to be admitted to this growing network of leading independent professional services firms, often ranking within the top ten in their own locality, who are united by a common desire to provide the highest quality of services to clients.

We pay tribute to all our staff for the true dedication and unstinting commitment to upholding professional values and standards and to our clients and business associates for their trust and support without which this milestone would not have been possible. We are also appreciative of the support and co-operation extended by BMS International during our tenure of membership with them.

Name:

Name:

Chairman, ABC

Group Chief Executive, ABC

2. Message from BMS International CEO
I am delighted to welcome ABC and XYZ Consulting Ltd into our ever-increasing global network. BMS International already has representation in seven other African countries and ABC becomes the third full member in the continent.

All firms admitted into BMS International must meet our strict membership criteria. Equally as important to this is that BMS member firms share our commitment to providing high quality client services and supporting their clients to grow and develop their businesses.

ABC and XYZ Consulting Ltd are progressive and ambitious firms and we look forward to working with them in the future as they become part of the BMS global family. We will continue to build our presence in the important African economies in the future.

Name:

CEO, BMS International

3. Brief History

ABC was founded in --/--/---- with a staff force of __, headed by an executive partner. In ____ (Month) of the same year, the firm acquired the TLB International affiliation. In --/--/---, the firm spread its wings to _____ in _____, and in --/--/---, partnered with _____ to establish a practice in _____, _____ (Town and Country). In --/--/---, the firm joined the BMS International network after having successfully completed BMSs comprehensive due diligence and quality control review process. At ABC, with a partner / director strength of __ (number) and a staff complement of over __ (Number), our clients work with professional service advisers who share their values, fit seamlessly into their working culture and have an in-depth understanding of their business. We work exceptionally hard to understand our clients needs, and in adherence with the firms motto "firm's motto", provide perfect-fit solutions that will achieve your short and long-term ambitions. About BMS International BMS International is the __th largest worldwide network of independent BMS is a member of the Forum of Firms (FOF). FOF is an association of international networks of accounting firms that perform audits of financial statements

that are or may be used across national borders, with an objective to promote consistent and high quality standards of financial reporting and auditing practices worldwide.

The strong relationships between BMS member firms are a key factor in enabling them to deliver exceptional customer services to cross-border clients. BMS operates a Centre of Excellence structure in each of the four main operating areas of audit, tax, risk assurance and transaction support. With their strong international language capability, effective global communication and resource sharing, BMS member firms maintain a strong position to service clients in diverse business sectors with a common brand the world-over.

4. Vision and Mission

Vision

Our vision is to be a leading Pan-African professional services firm, with international affiliation, recognised for its ethics, values and professionalism with a strong culture of personalised and partner-led quality service, supported by investment in its human capital and technology.

Mission

To provide a wide range of personalised and partner-led professional services in the true spirit of our motto "We Deliver".

To equip and invest in our staff thereby empowering them to provide optimal business solutions tailored to meet the diverse needs of our clients and also make a useful contribution to the profession and the society at large.

5. Contacts

ABC - Kenya

Nairobi

Office Building:

State:

Country:

Tel:

Fax:

E-mail:

Website:

Contact person:

BMS International

Executive Office

Office Building:

State:

Country:

Tel:

Fax:

E-mail:

Website:

Contact person:

B. SAMPLE - APPOINTMENTS

Mr. Anyotha - Anyotha joins the firm as the Managing Partner of our Mombasa office. Anyotha is a Fellow of the Institute of Certified Public Accountants of Kenya (ICPAK) and Institute of Chartered Accountants of England and Wales (ICEAW). He also holds a Bachelors Degree in Economics, Law and Accounting from the University of Wales. He is also a member of the Institute of Certified Public Secretaries of Kenya (ICPSK). Anyotha joined Delloite in 1968 and spent 10 years, managing the Mombasa Branch, prior to starting his own practice in Mombasa.

Mr Anonymas - Anonymas joins the firm as a Partner at our Nairobi office. Anonymas is a Fellow of ICPAK and ICEAW and a member of the Institute of Certified Public Accountants of Uganda. He has 24 years experience in audit and assurance with PricewaterhouseCoopers at the partner level. He has extensive expertise in International Financial Reporting Standards and International Standards on Auditing, and has been a member of the Professional Standards

Committee of ICPAK for several years. Over the last few years at PricewaterhouseCoopers, Anonymas was responsible for Risk Management and Quality Assurance for East, Central and West Africa. He has handled audits of clients in the sectors spanning financial services, manufacturing and agriculture including listed companies.

Ms A.O.B – AOB is our partner in Tanzania will join the firm as a regional partner after completion of her registration formalities with ICPAK. AOB has over sixteen years professional experience, fourteen of which were with PricewaterhouseCoopers in Tanzania and United Kingdom. She has extensive experience in the sectors of banking, insurance, manufacturing and not for profit organizations. She holds a Bachelor of Commerce Degree in Accounting, a Post Graduate Diploma in Financial Management and is a Fellow Certified Public Accountant, Tanzania.

C. SAMPLE - PROMOTIONS

Ms. Achievement – Achievement has been promoted as a senior Audit Manager at our Tanzania practice. Achievement has

over seven years professional experience in audit and assurance services. Her experience in assurance services spreads to various sectors having handled clients in telecom, trading and manufacturing, insurance, donor funded and retirement benefits schemes. Prior to joining the firm, she worked with PricewaterhouseCoopers for six years,

rising from an Associate to a Manager. Achievement possesses a Bachelors degree in Business Administration and is a member of the Association of Chartered Certified Accountants (ACCA).

E. SAMPLE - ADVERT FOR MARKET PRESENCE

To be preferably in the business daily or business segments of the newspaper.

“The Firm of XYZ wishes to notify members of the public that they are now located on XYZ plaza...for more information on our products and services visit www.xyz.com.”

F. SAMPLE - ADVERT FOR STAFF

We are a rapidly expanding firm of accountants based in Nairobi with branches in Nairobi, Mombasa and Kisumu. In order to facilitate our further expansion, we need to recruit two audit managers. This is a challenging and highly rewarding role with very good short term promotion and medium term partnership prospects. Ideally, applicants should possess the following qualifications, experience and skills:

- CPA (K) and membership of ICPAK.
- strong technical abilities in A,B, & C.

To apply please send a C.V. with a brief cover letter outlining interest and suitability to recruitment@cpa.com

G. SAMPLE - ADVERT FOR SPECIALISED SERVICES

“Looking for corporate financial advisory services? Invest a moment to find out more.....

Experienced corporate finance advisors can be found at the click of a button.

Just visit www.xyz.com”

H. SAMPLE – NORMAL ADVERTS ON BILL BOARDS/TAGLINE

“Looking for an Accountant? Turn Left at this Junction...XYZ CPAs – AUDIT. TAX. CONSULTING

ICPAK GUIDELINE

RQAC/001/2014

**REQUIREMENTS FOR ISSUANCE OF
PRACTISING CERTIFICATES AND ANNUAL
LICENSES**

Issued: July 2014

1.0 INTRODUCTION

1.1 The Globalization of business has dramatically increased the need for consistent and high-quality financial reporting within countries and across borders. This need can be achieved only by ensuring that accountants in public practice are licensed if they have all the pre-requisite skills, competencies and values that are consistent with the accounting profession. Many stakeholders in today's business environment expect compliance with recognized international standards in accounting and auditing. In view of this, establishing internationally accepted benchmarks for the competence of audit professionals will be vital in promoting internationally accepted standards in accounting and auditing.

1.2 The essence of these requirements for the issuance of practising certificates and annual licenses is to align the current practice with globally acceptable practices in line with the relevant standards, other pronouncements by International Federation of Accountants (IFAC) and the relevant legislations.

1.3 The Accountants Act section 8 recognizes one of the functions of the Institute as promoting standards of professional competence and practice amongst members of the Institute. In view of this, the Institute has developed these requirements as a guide for issuance of practising certificates which are issued once; and, the annual practising licenses which are issued annually to align the processes with International Education Standard (IES) 8- Competence Requirements for Audit Professionals which became effective from July 1, 2008.

2.0 CAPABILITIES AND COMPETENCES

2.1 Professional accountants who intend to go into public practice will be required to acquire and demonstrate that they have the professional capacity, appropriate training and supervision and are competent to undertake assignments given to them. To acquire the capabilities and competence required of audit professionals, individuals will need further education and development beyond that needed to qualify as professional accountants.

These additional education and development requirements can be met during the education and development program for qualifying as a professional accountant, or after.

2.2 Education and development for acquiring and maintaining the capabilities of audit professionals shall include:

- a. advanced professional education pursued at academic institutions or through training programs offered by the Institute;
- b. on-the-job training and experience programs; and,
- c. off-the-job training

2.3 In undertaking the training programs, the professional accountant shall demonstrate knowledge, competency and applicability of:

- i. Best practices in the audit of historical financial information including relevant current issues and developments;
- ii. International Standards on Auditing (ISAs);
- iii. International Auditing Practice Statements (IAPSS);
- iv. International Standards on Review Engagements (ISREs);

- v. International Standards on Assurance Engagements (ISAEs);
- vi. International Standards on Related Services (ISRSs);
- vii. International Standards on Quality Control (ISQC) 1;
- viii. International Financial Reporting Standards (IFRSs) and International Financial Reporting Standards for Small and Medium Enterprises (IFRS for SMEs) alongside other acceptable standards;
- ix. International Public Sector Accounting Standards (IPSASs).

2.4 In addition to acquiring the necessary knowledge and skills, professional accountants will have to be assessed through review of the engagements they have carried out to demonstrate the capabilities and competence needed to take up responsibility for significant judgments in an audit of historical financial information.

3.0 PROFESSIONAL SKILLS

3.1 The skill requirements for audit professionals include:

- i. Applying the following in an audit environment:
 - a. identifying and solving problems;
 - b. undertaking appropriate technical research;
 - c. working in teams effectively;
 - d. gathering and evaluating evidence;
 - e. presenting, discussing, and defending views effectively through formal, informal, written and spoken communication.
- ii. Developing the following professional skills at an advanced level in an audit environment:
 - a. applying relevant audit standards and

- guidance;
- b. evaluating applications of relevant financial reporting standards;
- c. demonstrating capacity for inquiry, abstract logical thought, and critical analysis;
- d. demonstrating professional scepticism;
- e. applying professional judgment; and
- f. Withstanding and resolving conflicts.

4.0 PROFESSIONAL VALUES, ETHICS AND ATTITUDES

4.1 The IFAC Code of Ethics for Professional Accountants sets out these fundamental principles:

- a. Integrity;
- b. Objectivity;
- c. Professional competence and due care;
- d. Confidentiality; and
- e. Professional behaviour.

4.2 Audit professionals, like all professional accountants, are expected to apply professional values, ethics and attitudes throughout their professional careers. The professionals should have:

- professional approach to ethics;
- practical application of the fundamental principles;
- consequences of unethical behaviour; and
- resolution of ethical dilemmas.

Non-adherence to professional values and ethics may lead to disciplinary action which may result to damaging of professional image.

5.0 PRACTICAL EXPERIENCE

5.1 In deciding whether an applicant has the necessary competences and practical experience, the Institute is guided by International Education Standard 8, which came into force in 2008. This requires anyone acting as an audit professional to complete a period of relevant practical training.

5.2 Professional accountants should complete a period of relevant practical experience before taking on the role of an audit professional. This period should be long enough and intensive enough to permit them to demonstrate that they have acquired the necessary professional knowledge; professional skills; and professional values, ethics and attitudes.

5.3 A substantial proportion of the period of practical experience should be in the area of audit of historical financial information. A period of practical experience will normally involve two years experience in audit after admission as a member of the Institute.

5.4 A member of the Institute who wishes to go into public practice will have at least two years post membership audit experience under supervision of a practicing member. This experience shall be verified through review of engagements carried out by the applicant after admission as a member. The Institute in assessing competency of applicants will require the audit experience to be recent, usually two years in the last four years.

5.5 The practical experience shall be in external audit firms licensed by the Institute.

5.6 Members who after joining the Insti-

tute will have career breaks, the breaks will be consolidated and cases considered on case by case basis.

5.7 Members who after joining the Institute and have acquired experience through part-time; by virtue of being engaged in full time basis or in other gainful employment will be required to have a total of 4 years post-membership experience. Members will be required to notify the Institute when such experience is being acquired, for the Institute to monitor the quality of experience.

5.8 The Institute, on determining whether to issue a practising certificate, will place greater emphasis on relevant experienced obtained in the four years preceding the application. If the Committee believes that the experience gained is either not relevant or too remote from the date of the application, it may issue the practising certificate with restrictions.

6.0 TRAINING AND DEVELOPMENT

6.1 Members who wish to get into public practice will be required to have complied with Continuous Professional Development (CPD) requirements for at least the last three consecutive years as per member obligations. A member will be deemed to have complied with CPD requirements if on annual basis the member acquires twenty five (25) structured hours and fifteen (15) unstructured hours.

6.2 Members who intent to go into practice shall be required to attend at least two of the four training seminars specified below alongside other structured seminars in any calendar year.

i. Audit Quality Assurance Seminar.

ii. Financial Reporting Seminar.

iii. Audit Staff Training Seminar-Practical Approach.

iv. Induction Workshop for Aspiring Practitioners.

6.3 Members who are already in practice shall be required to attend at least one of the training seminars specified above. Audit firms that conduct programmed in-house trainings will be deemed to have acquired the necessary CPD when they submit evidence of such training having been conducted and attended by the member in practice. In developing the training programmes, the firms should take into consideration any changes in standards and any recent developments in the country that affect the accounting profession.

6.4 The Institute will award CPD hours on conferences, seminars and workshops organized by the Institute or any other training institution that it deems proper to recognise. For non-structured CPD hours, the member will be required to provide proof of activities undertaken or literature read by submitting the information in a form to be assessed on the Institutes website (www.icpak.com).

7.0 APPLICATION FOR A PRACTISING CERTIFICATE

7.1 Members of the Institute who comply with the above requirements and wish to go into public practice will be required to apply for grant of practising certificate. Members of other Accountancy Institutes which ICPAK has reciprocal arrangements with shall apply for grant of practising certificates as per the provisions of the reciprocal agreements.

7.2 The application shall be duly filled, with all necessary attachments and full payment of requisite fees.

7.3 The Institute shall review the application and at the Institute's discretion, the applicants audit work may be reviewed for compliance with applicable standards.

7.0 APPLICATION FOR A PRACTISING CERTIFICATE

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7.2 The application shall be duly filled, with all necessary attachments and full payment of requisite fees.

7.3 The Institute shall review the application and at the Institute's discretion, the applicants audit work may be reviewed for compliance with applicable standards.

7.4 Applicants seeking grant of practising certificates shall be recommended by two members of the Institute; one member being the partner who supervised the relevant audit experience acquired by the applicant. Such recommendation letter from a practicing member you worked with/under shall be no more than three months old from the date of application. Where an applicant's audit experience is based on experience obtained more than four years from the date of application, the applicant will be required to demonstrate audit competency to warrant grant of the license.

The mode of demonstration shall be at the discretion of the committee.

This may include placement under an existing practitioner for a period of time before issuing a practising certificate to the applicant (see section 8.0 below).

7.5 The Registration and Quality Assurance Committee, a statutory committee that is mandated to grant licenses to members shall review the application. Successful applicants shall be issued with a notification letter informing them of their admission as practising members and their practising number. The notification letter shall be deemed valid for purposes of carrying out audit assignments and signing of audit opinions until replaced by a practising certificate and annual license.

7.6 Practising certificate shall be issued once by the Institute upon admission into the practising category.

7.7 After issue of a practising certificate the member shall apply for annual licence in that financial year. A financial year shall be taken to start from 1st January to 31st December. The member will be expected to commence public practice within one year from the date of issuance of the practising certificate. If the member is unable to commence practice within the one year, he/she shall return the practising certificate to the Institute immediately upon the expiry of the period.

7.8 Where a practising certificate is returned to the Institute voluntarily, the member shall apply for reinstatement after which the practising certificate shall be re-issued without any charges. However, if the reinstatement is applied for after four years have lapsed, the member shall be required to undergo some form of training or acquire some experience at the discretion of the Committee (see section 8.0 below).

7.9 When a Member is struck off the register of membership for any reason, the practising certificate and the license shall cease to be in force and shall be returned to the Institute within 14 days.

7.10 Loss of practising certificate shall attract a replacement fee of KShs 10,000.

8.0 CAREER BREAKS

8.1 A member who has been on a career break for four years or more may not be able to satisfy the Committee with regard to recent experience acquired. It is advised that members who have been on a career break and who intent to be granted a practising certificate should contact the Institute for advice on how to make an application.

8.2 The Committee in making its decision will be guided by the relevance of the work experience immediately prior to the career break and the CPD undertaken during the break and up to the point of application.

9.0 ANNUAL LICENSES

9.1 All holders of practising certificates who intend to practice in any calendar year will be required to apply for annual licence for that particular year. All applications shall be received by the Institute not later than 30th November of the preceding year for existing members in practice. An application for renewal of a practising license shall be made in such form and contain such information as the Institute requires on an annual basis. This renewal application is designed to be submitted online.

9.2 Applications for annual licenses shall be accompanied by the following mandatory requirements among other requirements.

a. Proof of purchase of a professional indemnity insurance (type of insurance designed to protect your business against any claims arising from bad or negligent advice or services) which shall be enclosed for the purpose of the annual renewal of the practising License as provided under the Sixth Schedule of the Accountants Act and the By-Laws of the Institute on Professional Conduct and Ethics.

b. Copy of agreement signed between the member and the appointed interim manager.

c. For members with branches; curriculum vitae and a copy of ICPAK membership certificate for the branch manager.

d. Declaration of compliance with anti money laundering laws and regulations (section 48 of the Proceed Of Crime and Anti-Money Laundering Act (POCAM-LA).

9.3 Holders of practising certificates who do not intend to practice in any calendar year shall apply to the Institute for omission of their names in the list of practising members. They shall be required to return the Practising certificate to the Institute until a time when they will intend to resume active practice. Failure to return the practising certificate shall be deemed to continue in practice and as such will be required to pay annual practising fee of KShs 10,000.

9.4 Members with branches will be required to apply for annual licenses for all the branches. Additional fees of Ken-

ya shillings seven thousand five hundred (KShs. 7,500) will be charged for each branch.

9.5 Annual licenses shall only be valid from 1st January up to 31st December of the year they are issued.

9.6 Annual licenses shall cease to take effect when a member is de-registered/struck off the register of members.

9.7 Firm licensing

10.1 Members in practice who intent to open branch offices shall apply to the Institute to be granted such authority. The application shall be in such a form as prescribed by the Institute.

10.2 Branches shall be managed by full time Managers who shall be members of the Institute in good standing.

10.3 The Managing partner shall take over-all responsibility for branch management including signing of audit opinions. The branch managers shall operate on delegated responsibility.

10.4 Closure of branches shall be communicated to the Institute at least two (2) months prior to the closure of the branch or two weeks after closure in cases of emergency of closure.

11.0 SUCCESSION PLANNING

11.1 All firms shall be required to have proper succession planning in place.

11.2 Annual license application forms shall have a section on Interim Management of the firm in case of any eventuality. Forms without this section being duly filled shall not be accepted by the Institute.

11.3 In cases where the Managing partner of a firm passes on, the Interim Manager(- see accountant act of 2008 on qualifica-

tions of an interim manager) shall take over the operations of the firm for a maximum period of one year during which he/she will have made the necessary arrangements to wind-up the firm. The Interim Manager in the process of winding up shall consult with the next of kin.

11.4 After the lapse of one year, the Institute shall notify the general public of the cessation of the firm and where applicable, the firm that has taken over the clients of the deceased member.

11.5 An interim manager shall be responsible for their own actions. She/he shall exercise due care and professionalism during the term of his/her engagement and meet other conditions as may be prescribed by the Sixth Schedule of the Accountants Act no. 15 of 2008.

12.0 Part IV LICENSING OF FIRMS

Practising accountants – Section 19 of the Accountants Act, CAP531.

Practising as an accountant (1) Subject to this section, a person practises as an accountant for the purposes of this Act if, in consideration of remuneration or other benefits received or to be received, and whether by himself or in partnership

with any other person, such person— (a) engages in the practice of accountancy or holds himself out to the public as a person entitled to do so; (b) offers to perform or performs services involving the auditing or verification of financial transactions, books, accounts or records; (c) offers to perform or performs services involving the verification or certification of financial accounts and related statements; or (d) engages in any practice, or performs or offers to perform any services, which may be prescribed.

(2) A salaried employee of the Government, a local authority or of any other person does not practise as an accountant by reason only of doing, in his capacity as such employee, any of the acts referred to in subsection (1).

(3) An advocate, a Certified Public Secretary or a person authorised to do so by or under any written law, does not practise as an accountant by reason only of carrying on the work of a tax consultant or a tax advisor. A person who wishes to practise as an accountant shall be required to be a member of ICPAK.

The table below provides the scale of fees payable for the firm licensing based on the number of Partners per Firm;

No of Partners	Fees based on Turnover	
	Below Kes1,000,000	Over Kes1,000,000
1 Partner	Kes10,000	Kes20,000
2 – 5 Partners	Kes30,000	Kes50,000
More than 5 Partners	Kes50,000	Kes100,000

It should further be noted that no Firm or Partner will be licensed without a valid Professional Insurance Indemnity (PII).

13.0 EFFECTIVE DATE

13.1 These requirements are effective on 1 January 2015.

DOCUMENT INFORMATION

DOCUMENT TYPE	ICPAK GUIDELINE
DOCUMENT NO	ICPAK/COUN/GUIDELINES RQAC/001/2014
EFFECTIVE DATE:	REQUIREMENTS FOR ISSUANCE OF PRACTISING CERTIFICATES AND ANNUAL LICENSES
RECOMMENDED BY	REGISTRATION AND QUALITY ASSURANCE COMMITTEE
ISSUED BY	COUNCIL
DOCUMENT CONTROL	RESTRICTED TO MEMBERS

DOCUMENT CHANGES & HISTORY

DATE	CHANGES	Changes by
May 2013	Document developed	RQAC
July 2013	Draft Approved by the Registration & Quality Assurance Committee	RQAC
September 2013	Reviewed by Practitioners Development Committee	PDC
November 2013	Approved by the Registration & Quality Assurance Committee	RQAC
January 2014	Sent to Council for Approval	Council
July 2014	Approved by Council	

**ICPAK POLICY GOVERNING ELECTIONS OF
CHAIRMAN
AND
MEMBERS OF THE COUNCIL**

1.0 Background:

The elections to ICPAK Council are governed by the Accountants Act no. 15 of 2008, By Laws and various decisions made by the Council over the years.

This policy document seeks to clarify on the conduct of candidates and govern the process of campaigning by the candidates during the election period

2.0 Duly completed nomination form for election

Persons willing to run for election shall be required to send to the Institute a duly completed nomination form in a sealed envelope in accordance with the requirements not later than 5:00 pm of the required deadline. The nomination shall contain a declaration that the information contained therein is true and correct and will include a declaration as to any convictions in court or declaration of bankruptcy through court or any information the Institute shall deem necessary for the nomination of candidates.

In the event there is information on the nomination form that would lead to disqualification of the aspirant, the Institute shall communicate the same to the aspirant requesting him/her to respond within 2 days failure to which he/she shall be automatically disqualified.

All nominees shall be required to meet the requirement of Chapter Six of the constitution before being cleared to vie for the position of Chairman and Council member.

Induction

All successful candidates shall be required to attend the post nomination induction

meeting as prescribed by the Council.

2.1 Communication to the nominees and candidates

All communication to the nominees and candidates will be made by the Chief Executive Officer of the Institute or his nominee. Any correspondence by other means shall not be construed to be the official communication of the Institute.

2.2 Election Panel

The Institute shall form an election panel comprising of four scrutineers one of whom will be the Returning Officer and the Chief Executive Officer who shall be an ex officio member.

The panel shall be responsible for authenticity, validity and integrity of the voters register and shall have oversight over the electoral medium and electoral process.

The Returning Officer and the Chief Executive Officer shall jointly have the super rights to the electoral system and will be in charge and responsible for any changes in the electoral system.

Co-Option

Where necessary, one member can be co-opted to provide expertise and /or to form quorum whenever need be.

The quorum of the election panel shall be the Returning Officer and any two of the scrutineers.

The Returning Officer and the Scrutineers shall be required to attend the Council meetings at which the nominations are to be opened. The results of the election panel will be communicated to the candidates by the Chief Executive Officer or his nominee.

Candidates will have a period of seven days to appeal against the decision of the election panel.

2.3 Term of the Elections Scrutineers

The term of the Elections scrutineers shall be one-year renewable at the discretion of Council and where possible one member retained at any given period.

2.4 Appeals Committee

The Council shall form an appeals committee which shall review the appeals from the nominee

es. The decision of the appeals committee shall be ratified by the Returning Officer who shall communicate to Council of the decision. The decision of appeals committee shall then be officially communicated to the affected parties by the office of the Chief Executive Officer.

2.5 Composition of the Appeals Committee

The Council through the Chief Executive shall appoint an ad - hoc appeals committee of upto five members to review any complaints from the decisions of the Elections scrutineers. Three of the members shall form the quorum.

2.6 Personal Information Sheet (PIS)

1. The following requirements will be applicable for this purpose Candidates are required to provide a two-page A4 size PIS which must be lodged with the Institute together with the duly completed Nomination Form as soon as possible but not later than required deadline. Candidates are free to provide in their PIS any information they deem fit and shall be wholly responsible for the information provided.

2. For candidates' guidance, the following information will be considered mandatory: - Name-

Membership number- Photograph- Relevant academic and professional qualification(s)-

Election category-

Career progression in the last five years including current engagement

Participation in various boards including ICPAK Council Committee(s)/ Sub-Committee(s) / Task Force(s) / Working Group(s) for past two years shall not be considered mandatory but shall be preferred.

The following information may also be availed

- Age
- Designation(s)
- Gender
- Candidate's website and / or email address
- Candidate's personal statement
- Any other information that the candidate may deem necessary

3. The Institute will vet the PIS for any incorrect or misleading statements, but only in respect of information that can be checked against the Institute's record in recent two years to the election date. The Institute is not obliged to check other information in the PIS and will not be responsible for the contents of the PIS.

4. Candidates should take note of the following printing specifications when preparing their PIS:

- i. The PIS will be printed in full colour.
- ii. On request from the candidate, the Institute shall help the candidate insert his / her hardcopy photograph in the PIS. His / her photo should be trimmed to the right measurement by the candidate. Electronic photo will only be acceptable JPEG format (300 dpi) or TIF format.

The file size should be between 600K – 1MB. In the case of a hardcopy photo, the name of the candidate should be clearly written at the back or while for an electronic photo the file name should indicate the name of the candidate. iii.If the candidate chooses to prepare the layout artwork of his / her PIS, s/he should provide the layout artwork in PDF format (file size of 1MB or above) or JPEG format (300 dpi and file size of 2MB or above).

3.0 Voters Register

The Institute will facilitate an electronic scrutiny of the voter details by the membership 21 days before the close of the voter register. The register of members will close the thirty (30) days before the next Annual General Meeting and the names therein shall be eligible to vote on condition that the members have fully paid up their subscriptions and are in good standing. Any member who makes payment after the close of the register shall not be eligible to vote. The election team shall inspect the register for authenticity, validity and integrity immediately after the close of the register. The approved nominated candidates by Council shall inspect the voters register on closure of the register but after validation by the Returning Officer.

3.1 Availability of Voter Register

The Institute shall request for consent of members to avail their details to the candidates prior to the start of the campaign period. On consent by the members, a voters register consisting of the names, telephone number and the email addresses shall be prepared. Candidates shall be given a voters register consisting of only consenting members and will be free to contact the names in the consenting voters register

during the election period.

4.0 Campaign Forum

Two campaign forums will be organized each year after the close of the nomination process one of which will be held at the annual seminar. The first campaign forum will be held immediately after the approval of nominations by Council. This will provide an opportunity to interact with and get to know the candidates better.

All candidates are required to notify the Institute in writing of their intention to attend or otherwise to facilitate the Institute's logistical arrangements.

4.1 Rules of the Forum

1. All Institute members are eligible to attend the campaign Forums. Pre-enrolment is necessary and will be accepted on a first-come first- served basis.
2. During the forum, each candidate will be assigned space to display their election materials within the venue of the forum.
3. The media will not be invited to the Forum, other than the video crew authorised by the Institute.
4. The Returning Officer shall Chair the Forum.
5. The Forum will be recorded and uploaded on the Institute's website during the campaign period.
6. The speaking sequence of the candidates will be determined alphabetically using the first name of the Candidates.
7. Each candidate will be given equal time to present their campaign message.
8. Members present may raise questions orally or in writing, the acceptance

of a question is at the discretion of the session Chair. Members are encouraged not to give statements or comments.

9. Questions must be addressed to all the candidates and not to individual candidates. The Chair will see to it that all the candidates will be given equal opportunities to respond to the questions.

10. Equal speaking time is allocated to each candidate to respond to the questions from the floor. The candidates will take turn to answer questions in accordance with the direction from the session Chair.

11. Each candidate will be given equal speaking time to make their concluding remarks. A candidate will be requested by the session Chair to round up his / her concluding remarks immediately when the maximum time allocated has passed.

5.0 Election Period

The election period shall consist of a campaign period and a voting period.

5.1 Campaign Period

The campaign period will commence upon closure of voters register to forty-eight hours before start of voting period.

The campaign boot at any of the Institute activities will only be allowed to have the material as specified above.

During the campaigns, the following materials shall be allowed:

1. Flyers not exceeding A3 size
2. Branded T-shirts for not more than four agents for each candidate
3. One (1) campaign pull up banner of the 150 X 50 cm

No member of the Institute will be allowed to engage in unsolicited campaigns and campaign materials before the campaign period. Such acts will constitute breach on the election guidelines, of the Institute By laws and Accountants Act and will be liable to disciplinary action and may lead to disqualification of the member from elections.

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5.2 Voting Period

The Institute shall have a total voting period of seven (7) days of which three days shall be the actual voting days. Institute shall have three (3) voting days.

6.0: Electoral Offences:

The following shall constitute election offences subject to disciplinary action by the Council;

- i. Making derogatory statements about other candidates and the Institute
- ii. Distributing gifts to members to entice them to vote for the candidate.
- iii. Distribution of offensive campaign materials
- iv. Unsolicited campaigns and campaign materials before the campaign period.
- v. Members not in good standing who propose or second candidates while not being in good standing commit

an offence.

vi. Members who knowingly or by design use derogatory and defamatory communication or material, literature or and other campaign materials in whatever medium

For Purposes of the Institute elections, a gift is present, donation, contribution, presentation, charity, award, favour, settlement, informal freebie, perks or handouts in cash or otherwise.

Where in the opinion of the Returning Officer and on sufficient presentation of evidence, the candidate or supporters and agents have contravened or members nominating or members of the Institute have contravened or infringed on any of the provisions of this Code, they will be liable to have committed an electoral offence and may be liable to the following penalties or may be disqualified from the elections or both as applicable:

(i) A fine as follows:

- Any penalty for breach of the elections code of conduct by the candidates, members of the Institute and or their agents for any of the election's offences for the position of Chairperson attracts a maximum fine of up to Ksh 100,000

- Any Penalty for breach of the elections code of conduct by candidates and or their agents for the position of Council member attracts a maximum fine of upto Ksh. 100,000

(ii) Be warned from holding any public meetings, campaigns or meeting the voters during election period

(iii) Be barred from participating in the current and future elections

(iv) The members nominating the candidate may also be cautioned, warned, be fined or barred from participating in any future elections.

(v) Members of the Institute may also be cautioned, warned, be fined or barred from participating in any future elections.

7.0 Social Media Engagement

Candidates are called upon to use the social media in a responsible manner and within the confinement of the elections code of conduct and deviate from matters leading to gross misconduct under the Accountants act.

Any reckless use of the social media platform to taint, discourage and disparage other candidates in their own personal capacity shall attract disciplinary action.

8.0 Independence of the Elections scrutineers

The Elections scrutineers have been mandated by Council to take charge of the elections process without any such interference, with the CEO responsible for administrative matters.

Any governance related matters shall be referred to the Council for further deliberations and guidance.

9.0 Complaints on Misconduct

Any member, candidate and members of the public can lodge a disciplinary complaint before the scrutineers for disciplinary action. The complaints as spelt out can emanate from any medium including social media platforms.

Any member can make a complaint against any candidate to the election's scrutineers.

10. System Controls

The access to the voting system shall be limited to the scrutineers and the CEO with proper log in controls put in place.

At any given time, there shall be more than one person logging in at any given point. Preferably the RO and any other scrutineer and or the system administrator (IT manager) or CEO. Any changes to the system during elections can only be affected with the approval of the Returning Officer.

The same should be initiated by the ICT manager with the approval of the RO.

10.0 Code of Conduct

All candidates shall be required to sign the election code of conduct after their nomination. Staff of the Institute will also be required to sign an electoral code of conduct.

10.1 Voting Process

The voting process shall be complete upon a voter casting their vote for all vacant positions on the ballot.

**THE INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
OF KENYA ELECTION CODE OF CONDUCT 2019**

I Confirm that I am desirous of contesting the elections to be held onfor the position ofhaving been validly proposed byMembership No..... and seconded by;.....Membership NoAND the following members of the Institute

- i.
- ii.
- iii.
- iv.
- v.



With a view of maintaining a healthy and peaceful atmosphere during the election process and for ensuring a free and fair election, the Election Code of Conduct for observation by the candidates and their authorized representatives is hereby notified to all concerned.

The Election Code of Conduct contains instructions and norms to be followed by candidates and their authorized representatives and members during the entire election process.

The Election Code of Conduct shall be in addition to that prescribed by the Accountants Act No 15 of 2008 and the Institutes By- Laws and shall come into force from the date of issue of the election notification by the Returning Officer.

In conformity with the Accountants Act 2008 and the ICPAK By – Laws I do solemnly declare that I and my Agents will subscribe and observe all provisions of the Election Code of Conduct and in particular to;

1. Promote the ideals of the Institute of Certified Public Accountants of Kenya, in a fair, truthful and transparent manner.
2. Avoid, condemn prevent violence and intimidation or abusive language or words that will disparage the conduct of my opponents or opposing candidates.
3. Instruct my agents, supporters and campaigning teams and, members of the Institute who have nominated me to respect the Election Code of Conduct by avoiding violence and intimidating or abusive language.
4. Avoid scrupulously all activities, which are corrupt practices, such as

providing incentives to voters, intimidation of voters, giving gifts to voters etc.

5. Respect and affirm all the rights of all participants and supporters of opponents in the election;
 - (i) to express divergent opinions.
 - (ii) To debate and contest the policies and programmes of other candidates in a positive manner without causing bad blood or ridiculing them.
 - (iii) To canvass freely for support from members of the Institute.
 - (iv) Respect and be subject to the Public Order Act, when holding meetings and General campaigns.
 - (v) To refrain from distributing derogatory and defamatory notices, literature or and other campaign materials in whatever medium.
 - (vi) To promote free and fair campaigns by all lawful means.
 - (vii) To co-operate with the Secretariat and other relevant institutions and other authorities in the investigation of issues and allegations arising during the election period.
 - (viii) To avoid any corrupt tendencies like bribing the voters to boycott the elections and attempting to manipulate the voting system in place.
 - (ix) To refrain from impeding the right of any candidate, canvassers and representatives to have access to members for purposes of voter education, canvassing for votes and soliciting support for election.
 - (x) To avoid, eliminate and stop plagiarizing the opponent's messages, posters and to discourage and prevent the removal disfigurement or destruction of campaign materials of any contestants.

vii. To refrain from publishing or repeating false, defamatory or inflammatory allegations concerning any person connected with the election and not to defame the character of contestants.

viii. To refrain members who knowingly or by design use derogatory and defamatory communication or material, literature or and other campaign materials in whatever medium

(xi) To refrain from any attempt to abuse a position of power, privilege or influence, including any offer of reward or threat to refuse to pay a penalty properly imposed by the Secretariat for errant behaviour by me or my supporters during campaigns and voting.

(xii) To avoid any discrimination based on age, race, gender, tribe or place of origin or residence or other local connection, political opinion, colour, creed or sex in connection with the election activity.

(xiii) To acknowledge the Secretariat's authority in the conduct of election, ensure the attendance and participation of representatives at meetings of any Returning Officer and other forums convened by the Secretariat in dispute resolution, respect and honor fines or any condition imposed on my candidature due to misconduct and unbecoming campaign behaviour by me or my supporters during campaign for votes.

(xiv) To facilitate the Secretariat's right of access through the Returning Officer and scrutineers and other official observers and other representatives to all public meetings or other electoral activities co-operate in the official investigation of issues and allegations arising during any election period.

(xv) To take reasonable steps to disci-

pline, stop and control my agents, employees, candidates, members and supporters from infringing this code, engaging in activities of commission or omission which amount to offences under the electoral laws or otherwise for not observing this code or contravening or failing to comply with any provision of the electoral laws.

(xvi) To refrain and deter my supporters and agents from conducting campaigns and speeches in any Continuing Professional Development forums of the Institute during the election period.

(xvii) To avoid sponsorship to any Institute forums by a candidate or by the employers of the candidates.

(xviii) Without prejudice to any other rights, to accept the final outcome of the election and the Returning Officer's declaration and certification of the results thereof.

6. Not to give interviews other than those given in a non professional capacity to newspaper(s) or electronic media.

7. A manifesto or circular issued shall conform to the following requirements in the interest of maintaining dignity in the election, namely:

a) A manifesto or circular shall contain information regarding the candidate himself and shall not make any reference, directly or indirectly, to any other candidate;

b) The distribution of a manifesto or circular shall be restricted only to the members of the Institute;

c) A certified copy of such manifesto or circular shall be sent to the Returning Officer via email within 2 days after its issue;

8. In the event of having any specific complaint or problems regarding the conduct of the elections, the matter to be first reported to the Returning Officer for determination. In so determining the Returning officer shall have the right to compose a team to consider the matter and the decision of the Returning Officer shall be final.

9. Any candidate who contravenes the Election Code of Conduct during the election period and who shall in the conduct of elections bring the Institute into disrepute shall be subject to the Institutes Disciplinary Process.

10. Notwithstanding clause 9 above, where, in the opinion of the Returning Officer and on sufficient presentation of evidence, I or my supporters and agents have contravened or the members nominating me has contravened or infringed on any of the provisions of this Code, I will be liable to have committed an electoral offence and may be liable to the following penalties or may be disqualified from the elections or both.

(vi) A fine as follows:

- Any penalty for breach of the elections code of conduct by the candidates and or their agent for any of the election's offences for the position of Chairperson attracts a maximum fine of upto Ksh 100,000
- Any Penalty for breach of the elections code of conduct by candidates and or their agents for the position of Council member attracts a maximum fine of upto Ksh. 100,000

(vii) Be warned from holding any public meetings, campaigns or meeting the voters during election period

(viii) Be barred from participating in the current and future elections

(ix) The members nominating the candidate may also be cautioned, warned, be fined or barred from participating in any future elections.

I..... have read the Code and confirm that I have understood the contents of this code of Conduct, declare that I respect and abide by all the conditions of the Code and to that end promise to undertake objective and mature campaigns free from coercion, abusive language and violence.

So, help me God.

Signed by the said

Name of Candidate.....

Membership No.....

Signature.....

In the presence of Returning Officer

Name.....

Signature.....

**THE INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS t
OF KENYA ELECTION CODE OF CONDUCT FOR
SECRETARIAT STAFF 2019**

A. Introduction

The following Code is meant to act as a guide to Secretariat in understanding their responsibilities to the Council and to the Institute generally in relation to the elections. It is made in furtherance of good corporate governance within the Council, Secretariat and adherence by candidates, in the administration of respective duties and activities in the electoral process.

The Code of Conduct is binding to the Secretariat. It will be enforced by the Institute, whose working procedure will be regulated by international best practices and Institutes By-Laws.

B. Secretariat

1. The Secretariat shall be independent, non-partisan, impartial, and transparent which bases itself on democratic election principles.

2. The Secretariat are obliged to abide by the following:

- i. Exercising authority based on By-laws
- ii. Behaving and acting in a non-partisan and impartial manner
- iii. Acting in a transparent and accountable manner that is ensuring quality of service to voters and contestants in accordance with the professional standards of the Institute
- iv. Serving voters in exercising their rights
- v. Not getting engaged in conflicts of interest that is ensure that the secretariat shall not cause or facilitate the sending of emails, unsolicited sms and other forms of communication which is not formally presented and sent through the Institute laid down structure
- vi. Not influencing, or communicating in a partisan manner with voters that

is no sharing of members information/ database or contacts to candidates unless through a formal channel from the Secretariat

C. Basic Principles in the Electoral Code of Conduct for Secretariat

D. The Secretariat are obliged to abide by the following:

a. Not being involved in personal activities that might generate a sympathetic or antagonistic attitude towards particular candidates, or contestants, or others with particular candidate affinities;

b. Avoiding acts of omission and/ or commission that would have a negative effect on the conduct of the election activities, and avoiding interventions by members;

c. Not wearing, carrying nor displaying symbols, signs or attributes which clearly identify partisan attitudes to contestants, or voters

d. Not making open public statements that are personal attacks on candidates or contestants

e. Not getting involved in any official or unofficial activity, including personal activity (use of Institute's database, unsolicited sms, blogs and twitter), which has the potential to raise a conflict of interest.

f. Abiding by the Institute's by-laws

E. Mandatory Provision

This Electoral Code of Conduct is stipulated, to be fully obeyed and implemented.

E. Penalties

Notwithstanding clause b and c above, where, in the opinion of the Returning Officer and on sufficient presentation of evidence, I have contravened or infringed on any of the provisions of this Code, I will be liable to have committed an electoral

offence and may be liable to the following penalties or may be disciplinary action from the elections or both.

1.A fine as follows:

- penalty for breach by Secretariat is Ksh 60,000

2.Disciplinary action for breach of election code for which a warning letter will be issued. In the event that more than one warning letter is issued for the electoral offences the staff will be construed to be unfit to hold any office at the secretariat.

F. Declaration

I.....
have read and understood the provisions

in the Electoral Code of Conduct as stipulated and commit to fully abide by it. I will also take responsibility for non adherence to the Code of Conduct as stipulated and agree to the resulting consequences as a result of the breach as provided for in the Institute's by-laws and regulations.

Signature.....

Date:.....

Annexure

Sample Personal Identification Form

Appendix III: Proposed Candidates Profile for Circulation to Members



**THE INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
OF KENYA CANDIDATES VALIDLY NOMINATED FOR
COUNCIL ELECTIONS, YEAR 2016**

COUNCIL POSITION

PHOTO

CPA.....)

COUNCIL POSITION

CPA

PERSONAL DETAILS

Full Name: CPA

Professional & Education Qualifications:

- Doctor of Philosophy (PhD) in Business Administration
- Doctor of Philosophy (PhD) in Economics
- MBA in Strategic Management
- MA-Economics
- Bachelor of Education
- CPA(K)
- CPS(K)
- CIPS

ICPAK Registration Number: 5468

Date of Registration: April, 2008

Position Nominated for:

COUNCIL

1. PROFILE

I hold a PhD in Business Administration (Finance) from Jomo Kenyatta University

of Agriculture and Technology (JKUAT), PhD candidate in Economics at the Open University of Tanzania, a holder of an MA (Economics) from University of Nairobi; an MBA (Strategic Management) from University of Nairobi; B. Ed (Hons) from Moi University and a Postgraduate Certificate in Environmental Impact Assessment and Environmental Audit from Africa Nazarene University.

I am a member of the Institute of Certified Public Accountants of Kenya (ICPAK), Institute of Certified Public Secretaries of Kenya (ICPSK), Kenya Institute of Management (KIM), Institute of Economic Affairs (IEA) and the Kenya Institute of Supplies Management (KISM).

I sit in the Pan African Federation of Accountants (PAFA) Board as a technical advisor, Kenya Accountants and Secretaries National Examinations Board and other regional and national boards. I have extensive experience in leadership, financial management, research and public policy amongst others.

I have previously served as the Director Private Sector, Enablers and Competitiveness at National Economic and Social Council (NESC) Kenya, a top policy advisory body to the Government of Kenya, as the Finance and Administration Manager at Housing Finance of Kenya, and Finance and Procurement Director at Kenya Post Office Savings Bank.

Involvement in Institute Activities

- i) I have represented the Institute in several events both locally and internationally.
- ii) I have conducted several trainings for the Institute

- iii) I was co-opted as a Member of the Public Policy and Governance Committee of the Institute from 2009-2011.
- iv) I serve in the Finance and Strategy Committee of the Institute.

Suitability for Council Election

- a) I am a Member of the Institute in good standing.
- b) I am committed to more deliverables in the 2016/2018 period.
- c) I have been a member of the Institute since 2006, I was commended in April 4, 2008 for my outstanding contribution to the Institute and the CPA profession.

Notes



Notes



Notes



CPAK



