

(Kericho County Legislative Supplement No. 1)

Legal Notice No. 1

**THE KERICHO COUNTY CO-OPERATIVE SOCIETIES
REGULATIONS, 2018**

IN EXERCISE of the powers conferred by section 87 of the Kericho County Co-operative Societies Act, 2017 the County Executive Committee Member for Trade, Industrialization, Co-operative Management, Tourism and Wildlife makes the following Regulations—

**THE KERICHO COUNTY CO-OPERATIVE SOCIETIES
REGULATIONS, 2018**

PART I—PRELIMINARY

1. These Regulations may be cited as the Kericho County Cooperative Societies Regulations, 2018 and shall come into operation upon publication in the *Gazette*. Citation

2. In these Regulations—

Interpretation

“Act” means the Kericho County Co-operative Societies Act, 2017;

“Committee” has the meaning assigned to it under section 2 of the Act ;

“Director” means the County Director for Co-operative management appointed under section 6 and includes a Deputy Director or any person discharging the function of the Director;

“domestic co-operative societies” means a co-operative society registered in Kericho County;

“Executive Committee Member” means the County Executive Committee Member responsible for matters relating to cooperative management;

“Liquidation account” means the Liquidation Account established by Rule 45;

“Register” means the register of Co-operative Societies kept under Rule 4;

“special resolution” means a resolution passed by two thirds of the members present and voting at a general meeting of a society; and

“Supervisory Committee” has the meaning assigned to under Section 2 of the Act.

3. (1) The Director shall keep or cause to be kept at Director's office a register of co-operative societies where particulars related to the registration of societies and their by-laws and amendments shall be entered.

Register of Co-operative Societies

(2) Every entry in the register shall be made under the direction of the Director and signed by him or her and every alteration, interlineations or erasure shall be initiated or initialed by the Director.

(3) In addition to the principles provided under section 12 of the Act, the following internationally recognized co-operative principles developed by the International Alliance shall be applicable —

- (a) voluntary and open membership;
- (b) democratic member control;
- (c) economic participation by the members;
- (d) autonomy and independence;
- (e) education, training and information;
- (f) co-operation among co-operatives; and
- (g) concern for community in general.

4. (1) An application for the registration of a domestic co-operative society under section 12 of the Act shall be made to the Director in Form IA provided in the Schedule for co-operative societies registered and operating in the County before the commencement of the Act shall be deemed to have been registered under the Act.

Application for Registration

(2) An application for registration shall be accompanied by an appraisal of the practicality of the society.

(3) Co-operative societies registered outside the county shall apply for a licence to the Director in Form IB upon payment of a licence fee as prescribed in Second Schedule.

5. (1) Upon registration of a society and payment of fee as prescribed in Second Schedule the Director shall forward to the society—

Certificate of Registration

- (a) a certificate of registration or of a provisional certificate set out in the Schedule to these Regulations in Form IIA or Form IIB;
- (b) a copy of the by-laws of the society as registered and certified by the Director as having been registered;
- (c) a copy of the Kericho County Co-operative Societies Act, 2017 and Regulations made there under; and
- (d) a copy of Form IA .

(2) A replacement of the original registration certificate shall be issued to a co-operative society upon payment of replacement fees as prescribed the second Schedule.

6. (1) Where the Director rejects an application for registration of a proposed society or its by-laws, he or she shall, within fourteen days of the rejection, give reasons for such rejection to the applicant, in writing.

Notification of refusal to register a society

(2) A person aggrieved by the Director's refusal under paragraph (1) may appeal against the refusal to the Executive Committee Member upon payment of a filing fee as prescribed in Second Schedule.

7. (1) The by-laws of a co-operative society shall contain the following—

Co-operative society by-laws

- (a) name of the co-operative society;
- (b) registered office and postal address;
- (c) area of operation and membership common bond;
- (d) objects of the society;
- (e) the purposes for which funds may be applied;
- (f) the disposal of the accumulated funds;
- (g) the qualification for membership, the terms of admission of members and the mode of their admission;
- (h) withdrawal and expulsion of members and the payment, if any, to be made to such members and the time within which such payment shall be made;
- (i) the rights, liabilities and obligations of members; including the minimum shareholding and produce delivery;
- (j) the transfer shares or interest of the members;
- (k) the manner of raising funds, including maximum rate of interest on deposits;
- (l) its general meetings, the procedure and quorum of such meetings, power of such meetings and representation and voting at such meetings;
- (m) the appointment, suspension and removal of members of the Committee and officers and the powers and duties of the Committee and officers;
- (n) the period of its financial year;
- (o) the authorization of officers to sign documents on its behalf;
- (p) the settlement of disputes; and
- (q) such other matters as may be expedient for the better carrying out the provisions of these Regulations.

(2) If the objects of society include the creation of funds to be lent to its members, by-laws shall also be made in respect of the conditions and other requirement on which loans and advances may be made to members including—

- (a) the rate of interest;

- (b) the maximum amount which may be lent to a member;
- (c) the extension, renewal and recovery of loans;
- (d) the period and purpose of the loan;
- (e) the security for the loans; and
- (f) the consequences of default in the repayment of any sum due.

8. (1) Any amendment of the registered by-laws of a co-operative society under section 22 of the Act shall be made by a resolution of members at a general meeting of the society in respect of which at least fifteen clear days' notice to proposed amendment shall have been given to the members of the society.

Amendment of by-laws

(2) No resolution under paragraph (1) shall be valid and effective unless—

- (a) in the case of a co-operative society with unlimited liability, half of the members of the society are present at the meeting and three quarters of them vote in favor of the resolution ; or
- (b) in the case of a co-operative society with limited liability, a majority of the members of the society present at the meeting or in writing vote in favor of the resolution.

(3) Where written votes are used under paragraph (2) (b), the following shall apply—

- (a) the secretary or manager of the society must have sent voting papers to all members of the society to enable the members to record their votes and return the voting papers to the secretary or Manager within reasonable time before the meeting; and
- (b) the votes shall have been examined, counted and the results notified to members by the committee.

(4) Where, in pursuance of the provisions of section 22 of the Act, amendment is sent to the Director, it shall be accompanied by a certificate in Form III set out in the Schedule to these Regulations together with a copy of amendment in triplicate.

(5) Upon registration of the amendment of the by-laws, the Director shall issue a copy duly signed by him or her upon payment of a fee prescribed in Second Schedule.

9. (1) No co-operative society shall fix any limit to the number of its members.

Membership of co-operative society.

(2) Any member of a co-operative society who ceases to qualify for membership of the society under section 14 of the Act or under these Regulations or the by-laws of the society, shall forthwith cease to be a member of the society and the committee shall direct the secretary or the manager to strike his name off the register of members.

10. (1) Where for any reason other than death, a member of a co-operative society ceases to be a member, the member may, subject to section 28 of the Act, transfer their share or shares in such society to

Transfer of shares in a co-operative society

another member or to a proposed member approved by the committee of such society but shall not be entitled to repayment from the society of any money paid in respect of such share or shares.

(2) No transfer of a share in a co-operative society shall be valid and effective until such transfer has been recorded in the register of the society.

(3) No transfer of a share or shares in a co-operative shall be valid and effective if made by a member indebted to a society whether such debt is due for payment or not.

(4) When for any reason other than death, a member of a co-operative society registered with limited liability holding deposits from non-members ceases to be a member, they may, subject to section 23 of the Act, transfer their share or shares in such a society to another member, or to a proposed member approved by the committee of such a society, but shall not be entitled to repayment from the society of any money paid by him in respect of such shares.

11. Subject to the provisions of the Act, these Regulations and the registered by-laws of the co-operative society, a member of a society may transfer his membership to another registered cooperative society to which he or she is registered.

Rights of a member

12. No society shall operate without an approved budget by a general meeting three months before the end of the financial year.

Approved Budget

13. A co-operative society shall keep up to date and in proper businesslike manner such accounts and such books as the Director may from time to time direct either generally or in respect of any particular society or class of societies.

Book to be kept by a registered cooperative society

14. The annual return required to be filed pursuant to section 34 (10) of the Act, shall be in Form IV set out in the Schedule to these Regulations and shall be filed with the Director within four months after the closure of the financial year.

Annual Returns

15. Every co-operative society shall cause its audited accounts to be displayed in a conspicuous place at its registered office and branches at least two weeks before presentation of the accounts to its members at the general meeting.

Display of audited accounts

16. (1) A person qualified under the Accountant's Act wishing to be considered to audit cooperative societies shall make an application in writing to the Director and shall pay a fee as prescribed in the Second schedule and such an application shall be made annually;

Approval of Auditors

(2) There is established county co-operative technical committee (hereby referred to as co-operative technical committee) and shall consist of—

- (a) Chief Officer responsible for Trade, Industrialization, Co-operative Management, Tourism and Wildlife appointed under the County Government Act, 2012 who shall be the chair to the Committee;

- (b) the Director for Co-operative Management;
- (c) the Director for Co-operative Audit;
- (d) all Sub-County Cooperative Officers appointed under this Act and responsible for the areas; and
- (e) an Administrative Officer in the department of Trade, Industrialization, Cooperative Management, Tourism and Wildlife who shall serve as the secretary to the Committee.

(3) The county co-operative technical committee shall appraise, authenticate, discuss and approve the list of auditors;

(4) The Director may cause to be published the list of auditors approved to audit cooperative societies;

(5) An Auditor who is aggrieved by an order or decision of the co-operative technical committee may appeal to the Executive Committee Member within thirty days of the order or decision.

17. (1) The audited accounts required to be submitted to the Director pursuant to section 34 (7) of the Act shall be in five copies and shall include and disclose—

Submission of
Audited Accounts to
the Director

- (a) the name of the society as registered must appear on all accounts together with the society's registration number;
- (b) the share capital of the society, disclosed separately;
- (c) statutory reserve of the society, computed separately;
- (d) each main group of assets and liabilities and the total for the assets and liabilities;
- (e) loans specified as short term if repayment period is less than five years and as long term if repayment period is more than five years;
- (f) dividends, bonus or honorarium disclosed under current liabilities;
- (g) a detailed schedule of depreciation of fixed assets under "notes of accounts";
- (h) details of all investments disclosed under "notes of accounts";
- (i) stocks and cash balances indicating whether verified or otherwise;
- (j) the statement of financial position signed by the chairperson and two other Committee members;
- (k) separate accounts prepared in respect of each activity;
- (l) any material amount written off together with a resolution of the general meeting of the society and satisfactory explanation; and
- (m) a statement of management responsibility.

(2) The audited accounts shall be submitted together with—

- (a) an extract of minutes of the general meeting in support of appointment of auditor; and
- (b) banker's cheque of the relevant audit and supervision fee.

(3) the audited accounts shall be read together with Director's comments thereon, if any.

(4) No Auditor shall present the audited accounts of a cooperative society to the members at a general meeting unless the accounts have been submitted, approved and registered with the Director upon payment of audit supervision fee prescribed in Second Schedule.

18. Any change of a society's bankers and signatories shall be approved by the members in a duly convened general meeting and confirmed by the Director, in writing, to the bank attaching the extracts of minutes.

Society bankers

PART II CONDUCT OF GENERAL MEETINGS OF CO-OPERATIVES AND AFFAIRS OF COMMITTEES

19. (1) The quorum of general meetings of a society shall be as laid down in the by-laws of the society.

Quorum at general meetings

(2) A special general meetings of a cooperative society may be convened on written request for such meeting signed by such number of members of the cooperative society as may be prescribed in the respective society by-laws.

(3) Where a meeting is convened by the Director under the provisions of section 36 (8) of the Act, the members present at such meetings shall be deemed to constitute a quorum.

20. (1) At all general meetings of a co-operative society the Chairperson or in this absence, the Vice Chairperson or such other person as provided for in the by-laws shall preside and in their absence any person elected by the majority of the members present shall preside.

Presiding over General Meeting

(2) The Director or Director's representative may preside at any meeting convened under the provisions section 36 (8) but shall not be entitled to vote.

21. (1) The Director or his/her appointee shall be the returning officer in all cooperative societies' elections.

Voting at General Meetings

(2) Unless otherwise provided for in the Act, these Regulations or by-laws of a cooperative society, any question referred to the members present at a meeting shall be decided by a majority votes.

(3) The Chairperson shall declare whether every resolution put to the vote has been carried or lost and shall cause an entry to that effect to be made in the minute book of the society which when signed by him shall be conclusive evidence of anything contained therein.

(4) The Chairperson shall have one vote only and no casting vote.

(5) A resolution on which the voting is equal shall be postponed to a subsequent meeting.

22. (1) The Committee shall be elected for a term of three years with one third of the members of the committee retiring at the end of each year on a rotational basis.

Conduct of affairs of
a Committee

(2) The majority members of a Committee may, for a good cause, suspend a Committee member subject to ratification by a general meeting.

(3) If during the term of office of a Committee, a vacancy occurs in the Committee and the number of members drop to below five, the committee shall co-opt a member of the society to serve on the committee until the next general meeting of the society.

(4) Elected members of a Committee shall be removed only by a two-thirds majority of the members of the society present and voting at a general meeting.

(5) Notwithstanding sub-rule (4) above, elected members of a management committee may be removed by two thirds of the members of their electoral zones present and voting provided that the complaints raised have been investigated by the Director and deemed to be satisfactory and the members shall elect a new member of the Committee who shall hold office for the remainder of the term of the member removed.

(6) The Executive Committee Member may remove from office a Committee of a cooperative society if he or she is satisfied that it has not complied with the provisions of the Act or any other written law.

(7) If a general meeting removes a member of the Committee, it shall forthwith elect a new member who shall hold office for the remainder of the term of the member removed and where the entire committee is removed from office, the general meeting shall immediately elect an interim committee of not more than five members to hold office for a period not exceeding ninety days.

(9) The Committee shall hold regular meetings, but not more than fifteen meeting in a year, at which—

- (a) minute of its previous meetings shall be considered and confirmed;
- (b) the accounts, bank books and cash at hand shall be scrutinized and checked and the Committee's observations thereon recorded in its minute;
- (c) any other current business shall be considered.

(10) A person elected into a Committee of a cooperative union or apex society on the basis of his or her elected position at the affiliate primary cooperative society shall cease to be a Committee member of the cooperative union or apex society upon being replaced or voted out the primary cooperative society.

(11) A member of the Committee shall be eligible for election into the supervisory committee at least three years after vacating the post of the committee member.

23. (1) where a society employs a manager for purposes of section 34 of the Act, his or her duties shall include— Manager and other employees

- (a) general management of the society;
- (b) maintenance and keeping custody of books, accounts, assets, registers, certificates, society seal, cheque books and other accountable documents of the society; and
- (c) being a signatory to the society's cheques, contracts and other documents.

(2) All employees of a Cooperative society shall be appointed in accordance with the terms and conditions of Service approved by the Director.

(3) *The Committee may, if it deems it fit, require the manager and any other officer on appointment, to give such security as it may determine.*

24. (1) Every Committee member shall, pursuant to section 37 (6) of the Act, file an indemnity in Form V set out in the Schedule to this Regulations whose amount shall be determined by the general meeting and which shall be lodged with the Director within fourteen days of his or her election to the committee. Committee members to file indemnity

(2) A committee member who fails to comply with the requirements of this rule shall automatically cease to be a member of the committee.

25. (1) Every society shall have a supervisory committee consisting of three members elected at a general meeting. Supervisory Committee

(2) At the first election of the members of the supervisory committee, one member shall hold office for one year, another member shall hold office for two years and the third member shall be in office for three years such that each year one member shall vacate office of the supervisory committee but shall be eligible for re-election.

(3) A member of the supervisory committee may be removed from office by a resolution of a general meeting for inability to perform the functions of the office or for any other lawful cause.

(4) The duties of the supervisory committee shall include—

- (a) *verification of all transactions of the society;*
- (b) compiling quarterly reports of its findings to be tabled at joint meetings with management committee to be held twice a year;
- (c) submission of its reports to the Director;
- (d) presenting its reports to the general meeting.

(4) Notwithstanding the provisions of sub-rule (3), the supervisory committee shall not perform the duties or exercise any of the powers of the committee.

(5) A member of a previous supervisory committee shall be

eligible for election to the management committee at least three years after vacating office as a member of the supervisory committee.

(6) An employee who leaves employment of a particular co-operative society shall be eligible for election to the supervisory committee three years after leaving employment.

26. Where a society intends to exercise its rights to have a first charge under section 41 of the Act, the society shall give fourteen days' written notice of such intention to the member or past member concerned.

Society to have first charge

27. Pursuant to section 45 (1) of the Act—

Authorization of Deductions

- (a) a member of a co-operative society authorizing deductions from his or her emoluments may fill a deduction authorization form in Form VIA set out in the schedule to these Regulations.
- (b) a co-operative society receiving deductions from the employers shall file monthly remittance returns to the Director not later than the 15th day of every month in Form VIB set out in the schedule to these Regulations.

28. The nominations of nominees pursuant to section 49 of the Act shall be in Form VII set out in the schedule of these Regulations.

Appointment of nominees

29. (1) A co-operative society which under its by-laws has power to borrow money shall from time to time at a general meeting fix the maximum liability which it may incur in loans or deposits from non-members.

Limitation of borrowing powers

(2) Notification of the maximum liabilities fixed shall be sent to the Director in Form VIII set out in the schedule to these Regulations.

(3) The maximum liabilities fixed shall be subject to approval of the Director who may, at any time, reduce it or impose such condition as he or she may deem necessary.

30. (1) Where the society invest in real estate other than for its own accommodation, it shall not hold more than twenty percent of the equity in the investment or expend a sum exceeding twenty percent of its share capital in such venture.

Investment of society funds

(2) Where the society intends to invest using the society as a trustee, the Director's approval should be sought.

31. For the purpose of section 50 of the act a copy of an entry in any book of co-operative society may be certified as a true copy of such entry by the Chairperson and one other officer authorized by the Committee.

Copies of entries

32. Every co-operative society shall pay into the reserve fund maintained in pursuance to the provisions of section 57 of the Act, one-fifth of any net surplus resulting from operations of the society during a financial year.

Duty to maintain reserve fund

33. (1) On the dissolution of co-operative society the assets represented by the reserve fund shall be applied in the discharge of the liabilities of the society.

Application of reserve fund

(2) Any asset that may remain after discharging the liabilities of the society, including repayment of the share capital representing a balance of the reserve fund, may be applied to some object of local or public utility as may have been selected by a general meeting of the society.

(3) If within three months of the dissolution of the society a general meeting fails to select an object of local or public utility as provided under paragraph (2), the Director shall cause the funds to be deposited in a bank and the registration of a new society in the substantially the same area as that in which the dissolved society operated, the Director may credit all or part of the funds to the new society.

(4) If within a period of three years from the date of deposit of the funds in a bank under paragraph (2), no new co-operative society is formed in substantially the same area, the Director may apply the funds to any object of local or public utility to be approved by the Executive Committee Member.

34. No loan shall be made to a member of a co-operative society save in accordance with the conditions laid down for the making of such loans in the by-laws.

Loans to members

35. A marketing co-operative society shall pay its members—

Payment of members produce.

(a) For their produce within seven days after receiving the sale proceeds from the marketers; and

(b) Not less than eighty percent of the gross receipt from the marketers.

36. The particulars of charge required to be filed pursuant to section 51 of the Act be in Form IX set out in the schedule to these Regulations and shall be accompanied by the instrument creating the charge or a copy thereof, certified to be a true copy under the seal of the society or under the land of some person interested therein otherwise than on behalf of the society.

Forms of particular charge

37. The register and chronological index required to be kept pursuant to section 62(4) of the Act shall be in Form XA and Form XB respectively set out in the schedule to these Regulations.

Register and chronological index

38. Upon registration of a charge, the society shall be issued with certificate of registration of a charge as set out in the Form XI set out in the schedule to these Regulations upon payment of fee of two thousand five hundred shillings.

Certificate of Registration of charges

39. The certificate of satisfaction of charges shall be in Form XII set out in the Schedule to these Regulations.

Certificate of satisfaction of charges

40. Where a receiver or manager is appointed pursuant to section 64 of the Act the Director shall determine his or her remuneration.

Remuneration of Receiver or Manager

41. (1) The by-laws, annual returns, audited accounts and balance sheet of every co-operative society and register of charges shall be open to the public for inspection at the office of the Director, upon payment of a fee as prescribed in Second Schedule.

Inspection of documents

(2) For every inspection made pursuant to section 67(2) of the Act the fee payable shall be as prescribed in the second schedule.

(3) The Director shall, upon request and on payment of fee to be determined by him or her and not exceeding two thousand shillings for each copy supply certified copies of the by-laws, annual accounts and balance sheet of a co-operative society.

42. (1) An inquiry held pursuant to section 68 of the Act shall be concluded within a period of sixty days from the commencement of the inquiry.

Inquiry by the
Director

(2) The Director may pursuant to section 68(5) of the Act, appoint a chairman of the interim Committee.

(3) The Committee shall implement inquiry report and prepare for society elections.

(4) The expenses of an inquiry demanded by members of a particular society shall be borne by that particular society.

(5) A copy of the report of an inquiry may be issued to any person upon application thereof and upon application thereof and upon payment of fee of two thousand shillings.

(6) A person may appeal to the County Executive Committee Member against rejection of his or her application for copy of the report of an inquiry within thirty days of such refusal and a fee of one thousand shillings shall be paid on the filing of such an appeal.

43. (1) Where the director exercises power pursuant to section 71 of the Act report of the inspection shall be filed with management committee within fourteen days of the conclusion of the inspection and the committee shall act in accordance with the recommendation, if any.

Impromptu (Routine)
inspection

(2) The Director may suspend the withdrawal of funds from any society bank account for a period not exceeding ten days pending or after an inspection.

44. A liquidator appointed under section 76 of the Act shall, in exercising the power under section 77(1(a)), publish a notice in the Kenya Gazette and in at least one newspaper circulating in the area in which the society whose registration has been cancelled operates, requiring any creditor or person having any claim against the relevant society to submit his or her claim to the liquidator within two months from the date of publication of the notice.

Publication of notice
requiring submission
of claims

45. (1) The Liquidation Account shall be administered by the Director.

Administration of co-
operative societies
Liquidation Account

(2) There shall be paid into liquidation account—

- (a) all money realized in the Liquidation where a bank account does not exist at the commencement of the liquidation;

- (b) any unpaid claims on closure of liquidation; and
 - (c) any surplus balance on closure of liquidation.
- (3) The following may be paid from the liquidation account—
- (a) claims, previously unpaid, subject to certification by the Director or a person nominated by the Director for purpose, within a period of two years from the date of the closure of liquidation;
 - (b) Distribution in any liquidation under paragraph (a) of this rule.
- (4) The Director may authorize, after expiration of two years from the date of closure of any liquidation, payment of balance of unpaid claims and surpluses from the Liquidation account into the Fund.

46. No co-operative society shall invest its funds in non-core business, except through a special resolution in a general meeting and approved by the Director in Form XIII.

Investment in non-core business

47. (1) A person aggrieved by a decision of the Director under sections 68, 72, 73 and 80 may within fourteen days appeal in writing to the County Executive Committee Member.

Appeal process

(2) There is established the Cooperative Societies Appeal Committee (hereby referred to as the "Appeal Committee") to be constituted by.

(3) The Appeal Committee shall be an ad hoc committee and shall consist of—

- (a) the Executive Committee Member responsible for matters relating to co-operative societies who shall be the chair to the Committee;
 - (b) the County Secretary appointed under the County Government Act, 2012 who shall be the chair to the Committee;
 - (c) a County Legal Officer;
 - (d) an Internal Auditor;
 - (e) a member of the public who is knowledgeable in co-operative matters may be coopted; and
 - (f) an Administrative Officer in the department of Trade, Industrialization, Cooperative Management, Tourism and Wildlife who shall serve as the secretary to the Committee.
- (4) For the avoidance of doubt, an appeal under paragraph (1) shall only lie in—
- (a) appeal against refusal to register, deregistration or cancellation to registration; or

(b) appeal against appointment or order of a Liquidator.

(5) The Executive Committee Member may, on the recommendation of the Appeal Committee—

(a) confirm or reverse a refusal to register, deregistration or cancellation to registration;

(b) confirm or modify the conditions imposed on appointment or order of Liquidator; or

(c) any other matter that may impede the growth and development of co-operative movement in the county.

(6) The Executive Committee Member shall give such directions to the Chief Officer as may be necessary to give effect to the order or decision.

(7) A person aggrieved by a order or decision of the Appeal Committee may appeal to the Tribunal within thirty days of the order or decision.

(8) The Tribunal may confirm, reverse or modify the decision appealed against, and make such orders and give such directions to the Executive Committee Member as may be necessary to give effect to the Tribunal's decision.

FIRST SCHEDULE

FORM IA (r.4)

THE KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017

APPLICATION FOR REGISTRATION OF A CO-OPERATIVE SOCIETY

TO: The Director for Co-operative Management

Department of Trade, Industrialization, Co-operative Management,
Tourism and Wildlife

County Government of Kericho

1. Name of proposed co-operative society
2. Area of operation
3. Type of society
4. Whether limited or unlimited liability is desired
5. Language in which the books and account will be kept
6. Name of person appointed to perform the duties of the secretary of the society
7. Registered office and postal address of the society

.....
We the undersigned hereby apply for the registration of the society under the Act, and enclose four copies of the proposed by-laws in English

Name	Occupation	Age	Contacts	Signature

Note: This Form must be forwarded by Ward/ Sub-county Co-operative Officer

FORM IB

(r.4)

THE KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017

NOTIFICATION TO OPERATE A CO-OPERATIVE SOCIETY BRANCH WITHIN
KERICHO COUNTY

The Director for Co-operative Management,

Department of Trade, Industrialization, Co-operative Management, Tourism and
Wildlife

County Government of Kericho

Name of co-operative Society

County of registration and registration number

Type of Society

Activity

Registered office and postal address

Telephone

Email address

We the undersigned officials of the above co-operative society wish to notify you that
we intend to open /operate a branch(s) in Kericho County

Name	Position	Signature

Official Stamp Made on the
Date

FORM IIA

(r. 5(3))

COUNTY GOVERNMENT OF KERICHO

Department of Trade, Industrialization, Co-operative Management,
Tourism and Wildlife.

Kericho County Co-operative Registration Certificate

CERTIFICATE OF REGISTRATION

KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017

(Rule 4)

PREVIOUS REGISTRATION No. CS/

KERICHO REGISTRATION No. KCO/CS/.....

I hereby certify that the society under the name of

.....

and its by-laws have this day been duly registered

*By me in the Register of Co-operative Societies, in pursuance of the provisions of the Act
and the Regulations.*

thisday of, 20.....

.....

Director for Co-operative for Co-operative Management,

Seal

FORM IIB

(r. 5(3))

COUNTY GOVERNMENT OF KERICHO

Department of Trade, Industrialization, Co-operative Management,
Tourism and Wildlife.

P.O. BOX 112-20200, KERICHO

Kericho County Co-operative Registration Certificate

CERTIFICATE OF PROVISIONAL REGISTRATION

KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017

(Rule 4)

PREVIOUS REGISTRATION No. CS/

KERICHO REGISTRATION No. KCO/CS/P/.....

I hereby certify that the society under the name of

.....

and its by-laws have this day been duly registered

*By me in the Register of Co-operative Societies, in pursuance of the provisions of the Act
and the Regulations.*

thisday of, 20.....

.....

*Director for Co-operative for Co-operative Management,
Trade, Industrialization, Cooperative Management, Tourism and wildlife.*

Seal

FORM III

(r. 8)

THE KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017

CERTIFICATE OF AMENDMENT OF BY-LAWS

WeChairperson

and secretary of*

Co-operative Society Limited hereby certify:-

- (i) that the enclosed amendment for the by-laws was made at a general meeting held on
- (ii) that on that date there were..... number of members' in the society register of whom were present in the meeting;
- (iii) that members voted for the amendment;
- (iv) that proper notice of the meeting and the proposed amendment were issued to all members of the society;
- (v) that a voting paper was duly issued to every member;
- (vi) that the amendment had received the prior approval of the Director.

Chairperson.....

Date.....

Secretary..... Date

Official Stamp

* Insert name of society.

FORM IV(r.14)

THE KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017

ANNUAL RETURN FOR THE YEAR

(to be submitted within four months of the end of the financial year)

1. Name of the Co-operative Society.....
2. Registration Number Date of Registration.....
3. Registered Address
4. Type of Society.....
5. The liability of members is *.....
 - (i) limited to the nominal value for each share held;
 - (ii) limited totimes the nominal value of each share held;
 - (iii) unlimited.
6. The number of members of the society is
7. The number of shares issued is
8. The nominal value of one share is KSh.
9. The maximum liability which the society may incur in loans or deposits is KSh.
10. The total indebtedness of the society secured by registered charges is KSh.....
11. The date the last annual general meeting was held
12. Particulars of offices for the financial year from..... toare as follows:-

Title of Office Name of Holder

Chairperson.....

Vice Chairperson

Committee members

(a)

(b)

(c)

13. A certified true copy of the audited accounts and balance sheet is filed.

Dated thisday of..... 20.....

(Signed) Official Stamp

Secretary/Manager

*Delete as necessary.

FORMV

(r. 24)

THE KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017

INDEMNITY TO A CO-OPERATIVE SOCIETY

To:

.....

.....

In consideration of your giving or continuing to give an Indemnity of

KSh I Jointly and severally for myself and my legal personal representatives, successors and assigns hereby:-

- (a) Agree to keep you indemnified against all actions, proceedings, liability, claims, losses, damages, costs and expenses arising from action and omissions as a consequence of my role in the mismanagement of the resources of the co-operative society in my capacity as a member of the committee/board.
- (b) Irrevocably authorize you to offset the liability, losses, damages, costs and expenses by attaching my shares, deposits, personal property and other personal assets without prior reference to me;
- (c) Irrevocably authorize you to make any payments and comply with any demands which may be claimed from or made upon you under the said indemnity without any further reference to or further authority from me and agree that it shall not be incumbent upon you to inquire whether or not any dispute exists between myself and the beneficiary of the said indemnity and further agree that any payment in accordance or purporting to be in accordance with the said indemnity shall be binding on me and shall be accepted by me as conclusive evidence, that you were liable to make such payments or comply with such demands and further that you may at any time determine the said indemnity.
- (d) Irrevocably authorize you to:
 - (i) debit my share/deposit account with KSh. and to hold this amount as security margin against your liability under the said indemnity until such time as the same may discharge;
 - (ii) and/or agree to undertake to deposit with you upon request made by you at any time until the same indemnity shall have been released such or other securities as may be acceptable to you in full or part of your liability under the same indemnity.

Signed this day of 20.....

Deponed by me

Before

Commissioner for Oaths.

FORM VIA
THE KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017
DEDUCTION AUTHORIZATION FORM

TO

.....

..... (Employer)

Date

DEDUCTIONS FROM MY SALARY/PROCEEDS

I I/D No. P/No.

of P.O. Box.....hereby authorize you to make
deductions from my salary/proceeds of KSh..... to be remitted to
..... Co-operative Society Ltd., to be credited towards my
shares account.

From time to time the said society may advise you on any other deductions. The society's
instructions shall be taken as if they are given under my hand. These instructions shall
remain in force unless altered by me in concurrence with the said society.

Given under my hand this day of..... 20.....

Name I/D. No. Signature

Cc: Chairperson..... Co-operative Society Limited

P.O. Box

FORM VIB

(r.26 (3))

THE KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017

REMITTANCE RETURNS

TO: The Director for Co-operative Management
County Government of Kericho
P. O. Box 112-20200, Kericho

1. Name of the Co-operative Society
 2. Registration Number
 3. Type of Society
 4. SubCounty/Ward.....
 5. Name of Employer
 6. Last payroll deduction remitted (month and year)
 7. Number of months in arrears.....
 8. Amount expected for current payroll deduction KSh
 9. Amount remitted as per (8) above KSh
 10. Shortage Excess (8-9) KSh
 11. Amount out-standing with employer (cumulative) KSh
- SignedDated
- Chair/Manager
- Official Stamp

FORM VII

(s49, r. 27)

THE KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017

NOMINATION FORM

TO: The Chair,

..... Co-operative Society Ltd.

P.O. Box

.....

I I/D No., of Post office Box..... Member of Co-operative Society Ltd; being member No..... hereby nominate the following nominee(s) to inherit my shares or interest in the said Society in the following manner: -

	Name of Nominee(s)	Relationship	% of Share/Interest
1.			
2.			
3.			
4.			

Witnessed by:-

1. I/D No. M/No.

Address Signature

2. I/D No. M/No.

Address Signature

Given under my hand this day of 20.....

Signature.....

Official Stamp

FORM VIII

(r.28 (2))

THE KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017

NOTIFICATION OF LIMITATION OF BORROWING POWERS

TO: The Director for Co-operative Management

D

County Government of Kericho

Name of the Co-operative Society

Registration Number

This is to inform you that at a duly convened annual general meeting of the above society held on theday of20..... the following resolution was passed:-

"That the maximum liability which the society may incur in loans or deposits from non-members shall be shillings (in words)

.....

On the date of the annual general meeting of members, the society had Fully paid members and there were members present at the meeting of whom

voted in favour of the resolution and against.

I hereby certify that the particulars contained above are correct.

Signed

Date.....

Secretary/Manager

Official Stamp

FORM IX (r. 37)

THE KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017

PARTICULARS OF CHARGE CREATED BY A CO-OPERATIVE SOCIETY

TO: The Director for Co-operative Management

Department of Trade, Industrialization, Co-operative Management, Tourism and
Wildlife

County Government of Kericho

P. O. Box 112-20200

Kericho

Name of the Co-operative Society

Registration Number

Date and description of the instrument creating or evidencing the mortgage or charge
.....

Amount secured by the mortgage or charge KSh.

Short particulars of the property mortgaged or charged:-
.....
.....Land Registry particulars—
.....
.....Name, addresses and description of the mortgages or persons entitled to the charge:-
.....
.....
.....

Dated this day of 20.....

Signed

Secretary/Manager

Official Stamp

FORM XA

(r. 37)

THE KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017

REGISTER OF CHARGES

Name of the Co-operative Society

Registration Number

Date acquisition of property.....

Amount secured by the charge KSh.....

Particulars of the property charged:-

.....

.....

Date of resolution authorizing issue of series of debentures:.....

Names of trustees of debenture holders:-

.....

.....

.....

Date of registration Signature.....

Memorandum of satisfaction.....

.....

Date of discharge.....

Dated thisday of 20.....

Signed

Director of co-operative Management

FORM XB

(r. 37)

THE KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017

CHRONOLOGICAL INDEX OF CHARGES

Serial No.

Register of charges folio No.

Date charged

Amount of charge

Particulars of charge.....

Person entitled to charge.....

Name of society creating the charge.....

.....

Date of registration

Remarks.....

.....

.....

FORM XI

(r. 38)

THE KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017

CERTIFICATE OF REGISTRATION OF A CHARGE

To:

.....

.....

Name of the co-operative society.....

Registration number

Date and description of the instrument creating or evidencing the mortgage or charge.....

.....

Amount secured by the mortgage or charge KSh.....

Short particulars of the property mortgaged or charged:

.....

.....

Land Registry particulars:

.....

.....

Name, addresses and description of the mortgages or persons entitled to the charge:

.....

.....

Dated this.....day of20.....

.....

Director for co-operative Management

FORM XII

(r. 39)

THE KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017**CERTIFICATE OF SATISFACTION OF CHARGE**

To: The Secretary

.....Co-operative Society Ltd

P.O. Box

.....

Name of the co-operative society.....

Registration number

Date and description of the instrument creating or evidencing the mortgage or charge.....

.....

Amount secured by the mortgage or charge
KSh.....

Short particulars of the property mortgaged or charged:

.....

.....

Land Registry particulars:

.....

.....

Name, addresses and description of the mortgages or persons entitled to the charge:

.....

Dated this.....day of20.....

.....

Director for Co-operative Management

FORM XIII

(r. 46)

THE KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017

APPROVAL FOR INVESTING IN NON-CORE BUSINESS

TO: The Chair

..... Co-operative Society Limited

P.O. Box

..... Kericho

Registration number

This is to inform you that following your members resolution to undertake activity

.....

At the duly convened Annual/Special General Meeting held on the day of
.....20..... where the above resolution was passed:-

"That you invest in the said activity

.....

Approval is thereby granted for the resolution and the same should be undertaken within
the limits of the resolution

Signed

Date

Director for Co-operative Management

Official Stamp

SECOND SCHEDULE
THE KERICHO COUNTY CO-OPERATIVE SOCIETIES ACT, 2017
FEES AND CHARGES

S/No.	Activity	Charges (KSh.)	Rule No.
	Licensing fee for registered co-operative societies registered outside the county	2,000	4(3)
	Registration fee for a Domestic co-operative Society	3,500	5(1)
	Issuance of replacement original certificate Co-operative Society	2,000	5(2)
	Filing appeal for refusal to register fee	1,000	6(2)
	Amendment of Bylaws fee	1,000	8(4)
	Application for Audit approval fee	3,000	16(1)
	Audit supervision fee by approved private auditors	10% of fees charged	17(4)
	Audit supervision fee by county government auditors	100% of fees charged	17(4)
	Issuing Certificate of Registration of Charge fee	2,500	38
	Miscellaneous charges—		
	(a) Inspection of Register of Charges by any person;	1,000	40(2)
	(b) Issuing of Certified copies of Bylaws;	1,000	41(3)
	(c) Issuing of Certified Copies of Annual Returns;	1,000	41(3)
	(d) Issuing of Certified Copies of Audited Accounts and Balance Sheet.	1,000	41(3)
	Conducting of an Inquiry	Variable fee depending on size of society	42(2)
	Issuing of inquiry Report fee	2,000	42(5)
	Filing of Appeal for Inquiry Report refusal fee	1,000	42(6)

Made ion the 14th May, 2018.

PHILIP MASON,
County Executive Committee Member,
Trade, Industrialization, Co-operative Management, Tourism and wildlife.