

31ST MARCH, 2023

MEMBER COMMUNIQUE ON DRAFT CERTIFIED GOVERNANCE SECRETARIES BILL, 2023

Dear Members,

The **objective** of this communique is to apprise Members on the Draft Certified Governance Secretaries Bill, 2023 (**the Draft Bill**); request for its review and feedback; and invite Members to participate in the public participation sessions scheduled.

The Certified Public Secretaries of Kenya Act, CAP 534 (the Act) is the legal framework governing the Certified Secretaries (CS) Profession in Kenya and has been in place from **1988** when it was enacted. The Act has undergone ten amendments from the date of its commencement, the last amendment having been effected in 2007.

The **Council initiated** the review process by constituting a Taskforce, made up of ICS Members and chaired by FCS Kinuthia Wamwangi, EBS. The Taskforce reviewed the Act and submitted its proposals to the Council and upon adoption, they were submitted to the National Treasury and Economic Planning in April 2022. The Council engaged Members on the review process and provided a status update at the Annual General Meeting. In July 2022, the Cabinet Secretary constituted a **Multi-sectoral Taskforce** which has developed the Draft Bill now released for stakeholder consultations. The Institute is represented by FCS Catherine Musakali, OGW; FCS Jeremiah Karanja; and CS Gloria Kikete (Secretariat).

The **Draft Bill is intended** to align CS practice to international best practice, recognize the expanded scope of the profession, institutionalize and professionalize the practice of governance, and consequently update its nomenclature. CS professional bodies in the United Kingdom, South Africa, Australia and Canada have espoused the pivotal role of the CS as a governance advisor and thus adopted *governance professionals*, a globally acceptable standard, in their nomenclature. It also seeks to borrow from recognized best practices, such as New Zealand, which has recognized affiliate membership for professionals involved in other governance, risk and compliance roles. The Draft Bill further recognizes the Institute's core role in promoting good governance.

By way of a **high-level summary** the Draft Bill provides for:

- Establishment of the Institute of Certified Governance Secretaries and its **branches**.

- Creation of a new category of members of the Institute, to be known as **affiliate members**, who have the professional experience in governance but are not inclined to secretarial practice.
- Expansion of the **Institute’s mandate** to provide advisory on matters of corporate secretarial, governance, ethics, among others.
- Enhancement of functions of the **Registration Board** with an updated name.
- Clarity on functions that will be deemed to be **CS practice** in order to avoid overlap between those of a certified governance secretary and any other professional.
- Improvement of **disciplinary provisions** by listing categories of professional breaches and establishing a Disciplinary Committee consisting of the members of the Institute and Government representatives.
- **Sources of funds** of the Institute, the Board and Disciplinary Committee and the manner in which those funds are to be administered.
- Saving and transition provisions to cater for those currently practicing as certified public secretaries to **smoothly transition** them into the new regime once the Draft Bill is enacted.

You are **firstly requested** to access the Bill on www.treasury.go.ke or www.ics.ke or on this [link](#) and **forward your written** presentations by:

- Email** to: icps@treasury.go.ke;
- Post** to: Principal Secretary, National Treasury, P. O. Box 30007-00100, Nairobi; and
- Physically** dropped at: The National Treasury & Economic Planning, National Bank Building, 18th Floor, Harambee Avenue. All envelopes must be clearly marked “SUBMISSION OF COMMENTS AND PUBLIC PARTICIPATION ON THE DRAFT CERTIFIED GOVERNANCE SECRETARIES BILL, 2023”

Secondly, you are invited to **attend the public participation** sessions as per the schedule below:

REGION	VENUE	DATE	TIME
All	Virtual-Zoom	12/04/2023	7.30am-9.00am
Kisumu, Kisii, Migori, Homa Bay, Nyamira, Siaya, Vihiga, Bungoma, Kakamega, Busia, Bomet, Kericho and Narok	University of Nairobi-Kisumu	17/04/2023	8.30am-12.00pm
Kwale, Mombasa, Kilifi, Lamu, Tana River and Taita Taveta	Technical University of Mombasa-Mombasa	17/04/2023	8.30am-12.00pm
Nakuru, Baringo, Uasin Gishu, Elgeyo Markwet, West Pokot, Turkana, Trans-Nzoia, Nandi and Samburu	Eldoret National Polytechnic-Eldoret	17/04/2023	8.30am-12.00pm

REGION	VENUE	DATE	TIME
Nyeri, Muranga, Kirinyaga, Laikipia, Meru, Embu, Tharaka Nithi, Isiolo and Marsabit	Nyeri National Polytechnic-Nyeri	19/04/2023	8.30am-12.00pm
Kitui, Machakos and Makueni	Machakos University-Machakos	19/04/2023	8.30am-12.00pm
Wajir, Garissa and Mandera	Garissa University - Garissa	19/04/2023	8.30am-12.00pm
Nairobi, Kiambu, Kajiado and Nyandarua	CPS Governance Centre, Upper Hill-Nairobi	24/04/2023	8.30am-12.00pm
All	Virtual-Zoom	26/04/2023	7.30am-9.00am

Yours Sincerely,

FCS DIANA SAWE TANUI
CHAIRMAN