

LEGAL NOTICE NO.....

THE COMPANIES ACT (No. 17 of 2015)

IN EXERCISE of the powers conferred by section 1022 of the Companies Act, 2015, the Attorney-General makes the following Regulations—

THE COMPANIES (BENEFICIAL OWNERSHIP INFORMATION) (AMENDMENT) REGULATIONS, 2021

Citation.

1. These Regulations may be cited as the Companies (Beneficial Ownership Information) (Amendment) Regulations, 2021.

Amendmen t of Regulation 3 of L. N. No. 12 of 2020. (a) The Companies (Beneficial Ownership Information) Regulations, 2020, in these Regulations referred to as the "principal Regulations" amended in section 2 by inserting the following new definition in proper alphabetical sequence—

"public procurement" means procurement by procuring entities using public funds;

"procuring entity" means a public entity making a procurement or asset disposal to which Public Procurement and Asset Disposal Act applies;

- 2. Regulation 3(2) of the principal Regulations is amended by inserting the words "whether individually or jointly" immediately after the words "in relation to the company".
- **3.** Regulation 13 of the principal Regulations is amended—
 - (a) by deleting paragraph (2) and substituting therefor the following new paragraph (2) -
 - "(2) Notwithstanding sub regulation (1) information relating to a beneficial owner may be disclosed-
 - (a) with written consent of the beneficial owner; or
 - (b) where the company participates in public procurement and assets disposal activities in Kenya."
 - (b) in paragraph (4) by inserting the words "except for publishing the information relating to entities that have been awarded a tender by procuring entity" immediately after the words "to the public".
 - (c) in paragraph (5) by inserting the words "and the Public Procurement Regulatory Authority" immediately after the words "Competent Authority".
- **4.** The First Schedule of the principal Regulations is amended by amending by deleting FORM BOF1 and substituting therefor the following new FORM

FORM *BOF1* r.3(3) REGISTER OF BENEFICIAL OWNERS* [Section 93A of the Companies Act, 2015]

Name of company:		••••
Number of company:		
To the Registrar of Companies:		
The above company hereby lodges the regist section 93A of the Companies Act, 2015 that of the company	t the following person is a bene	eficial owner
Date that the person became a beneficial own	ier:/[dd/n	nm/yyyy]
BENEFICIA	L OWNER	
Full Name		
Birth Certificate Number, National		
identity card number or Passport number		
Personal identification number		
Nationality		
Date of birth [dd/mm/yyyy]		
Postal address		
Business address		
Residential address		
Telephone number		
Email address		
Occupation or profession		

NATURE OF OWNERSHIP OR CONTROL

	\Box The percentage of shares a person holds in the
ownership or	company
control the	☐ Directly% of shares
beneficial owner	☐ Indirectly% of shares
has in the	·
company, whether	☐ The percentage of voting rights a person holds in
individually or	the company
jointly	☐ Directly% of voting rights
	☐ Indirectly% of voting rights
	☐ A person holds a right to appoint or remove a
	member of the board of directors of the
	company; and/or
	□ Directly
	☐ Indirectly
	☐ A person exercises significant influence or
	control over the company.
	□ Directly
	☐ Indirectly
-	particulars of every beneficial owner in a separate form
-	particulars of every beneficial owner in a separate form EFICIAL OWNER WITH THE COMPANY IN IND OWNERSHIP
LINK OF BEN	EFICIAL OWNER WITH THE COMPANY IN IND OWNERSHIP
Specify— (a) Name of sh	EFICIAL OWNER WITH THE COMPANY IN IND OWNERSHIP nareholder holding shares on behalf of the beneficial
Specify— (a) Name of showner of the	EFICIAL OWNER WITH THE COMPANY IN IND OWNERSHIP hareholder holding shares on behalf of the beneficial e company;
Specify— (a) Name of showner of the	EFICIAL OWNER WITH THE COMPANY IN IND OWNERSHIP nareholder holding shares on behalf of the beneficial
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LINK OF BEN Specify— (a) Name of showner of the owner	EFICIAL OWNER WITH THE COMPANY IN IND OWNERSHIP nareholder holding shares on behalf of the beneficial e company; rector appointed by the beneficial owner;
LINK OF BEN Specify— (a) Name of showner of the (b) Name of din Lodged on behalf Name: National identity card number / Passport number Address: Telephone number	EFICIAL OWNER WITH THE COMPANY IN IND OWNERSHIP nareholder holding shares on behalf of the beneficial e company; rector appointed by the beneficial owner;

NOTES

Date:

Source***:

* This form is used to notify the Registry of the particulars of a company's beneficial owners.

**	Please indicate whether director, certified secretary or advocate of the company
***	Please indicate whether the information obtained was (a) provided by the beneficial
own	er or their authorised representative; (b) taken from an official register; or (c) provided
by a	third party not directly related to the beneficial owner.

Made on the2021

P. Kihara Kariuki, Attorney-General.