

NO. 17 OF 2007

THE SUPPLIES PRACTITIONERS MANAGEMENT ACT

SUBSIDIARY LEGISLATION

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*List of Subsidiary Legislation*

	<i>Page</i>
1. The Supplies Practitioners Management (Election) Regulations, 2015 <b>(Revoked)</b> .....	3
2. The Supplies Practitioners Management (Discipline) Regulations.....	5
3. The Supplies Practitioners Management (Council Election) Regulations.....	21

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**THE SUPPLIES PRACTITIONERS MANAGEMENT  
(ELECTION) REGULATIONS, 2015**

[Legal Notice 247 of 2015]

***Revoked by Legal Notice 94 of 2022 on 17th June, 2022***



**THE SUPPLIES PRACTITIONERS  
MANAGEMENT (DISCIPLINE) REGULATIONS**

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

*Regulation*

1. Short title
2. Interpretation

PART II – COMPLAINT

3. Lodging of complaint
4. Register of complaints
5. Filing of complaint
6. Fees
7. Service of complaint
8. Complaint against member of Committee
9. Screening of complaints
10. Dismissal of complaint
11. Application for review
12. Withdrawal of complaint and lapse of time

PART III – REPLY TO COMPLAINT

13. Reply
14. Request for further information
15. Preliminary consideration of reply by Committee
16. Place and time of hearing

PART IV – HEARING

17. Powers of the Committee
18. Non-response by respondent
19. Form of proceedings
20. Language of proceedings
21. Information
22. Confidentiality
23. Directions and pre-hearing orders
24. Non-appearance by respondent
25. Failure to comply with directions
26. Varying or setting aside of directions
27. Summons and orders
28. Exclusion of persons disrupting Proceedings
29. Failure of Parties
30. Procedure at hearing
31. Quorum
32. Power to determine
33. Consolidation of proceedings
34. Amendment of statements
35. Dispensing with requirements under these Regulations
36. Extension of time
37. Demonstration and display facilities

*Supplies Practitioners Management*

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[Subsidiary]

- 38. Opportunity to be heard or cross-examine
- 39. Adjournment of proceedings
- 40. Judicial notice
- 41. Representation
- 42. Decisions of the Committee
- 43. Reasons for decisions
- 44. Cost of Proceedings

PART V – MISCELLANEOUS PROVISIONS

- 45. Reports of the Committee
- 46. Additional powers of the Committee
- 47. Correction of irregularities
- 48. Recording of proceedings

SCHEDULES

SCHEDULE —

FORMS

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**THE SUPPLIES PRACTITIONERS  
MANAGEMENT (DISCIPLINE) REGULATIONS**

[Legal Notice 246 of 2015]

## PART I – PRELIMINARY

**1. Short title**

These Regulations may be cited as the Suppliers Practitioners Management (Discipline) Regulations.

**2. Interpretation**

In these Regulations, unless the context otherwise requires—

"complainant" means a person, his duly recognised agent or legal representative who lodges a complaint to the Committee under regulation 3 in accordance with the Act;

"chairperson" means the person holding office or acting chairperson of the Committee;

"Committee" means the disciplinary committee established under section 22 of the Act;

"respondent" means a party to the proceedings before the Committee against whom a complaint is lodged under regulation 3.

## PART II – COMPLAINT

**3. Lodging of complaint**

(1) A person who intends to lodge a complaint against a member of the Institute shall submit to the Secretary, a statement of complaint orally or in writing in Form DCI set out in the Schedule to these Regulations.

(2) The statement of complaint lodged under paragraph (1) shall include—

- (a) the name, address and telephone contact of the complainant;
- (b) the particulars of the respondent;
- (c) the particulars of the alleged professional misconduct to be investigated by the Committee; and
- (d) the substance of the complaint in sufficient detail to enable the Commission to act.

(3) A person who lodges a statement of complaint under paragraph (1) shall submit together with the complaint, documents in support of the claim and the prescribed fee.

(4) Where the complaint is made orally, or otherwise, or the complainant cannot read or write, the complaint shall be recorded in writing by a designated officer of the Council.

(5) A person who records a complaint in writing under paragraph (4) shall—

- (a) read over and explain the contents of the complaint to the complainant;
- (b) note on the form that the complainant has understood the contents;
- (c) state his name and designation; and
- (d) cause the complainant or the duly authorized agent to sign or affix a thumbprint at the bottom of each page of the document, where practicable.

**4. Register of complaints**

- (a) The Registrar shall keep a register of complaints in which all the statements of complaints shall be entered.
- (b) A statement of complaint shall be numbered and recorded sequentially in the register of complaints in the order in which it was received.

[Subsidiary]

**5. Filing of complaint**

Upon receipt of a statement of complaint, the Secretary shall—

- (a) acknowledge receipt of the complaint by stamping and endorsing on the statement of complaint or recorded complaint, the date on which it is received;
- (b) enter the particulars of the complaint in the register of complaints;
- (c) inform the complainant in writing of the complaint number as entered in the register; and
- (d) advise the complainant of any steps required to be taken by the complainant to enable the Committee determine the application.

**6. Fees**

(1) There shall be paid to the Council such filing and other fees, including fees for service by the Committee of any notice or process, as shall be prescribed.

(2) The Committee may, if it considers it to be in the interest of justice, or on grounds of financial hardship on the part of the applicant, waive all or part of the filing fees payable in any application.

**7. Service of complaint**

(1) Upon filing a complaint with the Secretary, the complainant shall serve a copy of the complaint, on the respondent within thirty days from the date of filing the complaint.

(2) Any document required to be served under these Regulations shall, where practicable, be served personally on the person by delivering the document to the person or, if the person cannot be so served, shall be served by sending the document to the person's proper address by registered post or by other verifiable form of delivery.

(3) The Secretary may, at the request of any party and on payment of such costs as the Committee may determine, serve a copy of the notice of the complaint and of any reply, together with any supporting documents, amendments or supplementary statements, written representations or other documents received from any party on all parties to the proceedings and if any person or body is subsequently enjoined as a party, upon that person or body.

**8. Complaint against member of Committee**

Where a complaint is lodged against a member of the Committee, the member shall stand suspended from the committee and shall be automatically reinstated once the inquiry is completed in his favour.

**9. Screening of complaints**

(1) Upon registering a complaint under regulation 5, the Secretary shall transmit a copy of the complaint to each member of the Committee and to the person whose conduct is the subject of investigation.

(2) The Committee shall, within fourteen days upon receipt of a complaint under paragraph (a), conduct a preliminary enquiry into the matter and shall -

- (a) where in the opinion of the Committee the complaint does not disclose any *prima facie* case of professional misconduct, dismiss such complaint without requiring the member to whom the complaint relates to answer any allegations made against him or her and inform the complainant of its decision thereof; or
- (b) where the complaint discloses a *prima facie* case of professional misconduct, investigate the complaint.

(3) The Committee shall inform the complainant of its decision under paragraph 3(b) within fourteen days of its decision.

(4) Where the Committee decides to investigate a complaint under paragraph 3(b), the Secretary shall notify the member against whom the complaint has been made of its decision and require him or her to respond to the complaint by the date notified date therein.



**10. Dismissal of complaint**

(1) An order of the Committee dismissing a complaint under this paragraph shall be notified to the complainant and the respondent but shall not be a bar to a further complaint under the same grounds upon the discovery of new evidence which was not within the knowledge of the complainant.

(2) Notwithstanding regulation 9, the Committee shall reject a complaint where it considers that—

- (a) the matter is the subject of a complaint pending under investigation;
- (b) the complaint is vexatious, frivolous, oppressive or otherwise an abuse of the procedures for dealing with complaints; or
- (c) the complaint is repetitive.

(3) For the purposes of paragraph (b), a complaint is repetitive if it is substantially the same as a previous complaint, whether made by or on behalf of the same or a different complainant, or if it concerns the same subject as a previous complaint;

(4) Nothing in this regulation shall prevent the Committee from investigating a complaint if it considers that it is in the public interest to do so.

**11. Application for review**

(1) Any person who is aggrieved by a decision to reject a complaint may make an application for review of that decision.

(2) An application for review shall only be made upon the discovery of new information or evidence which was not within the knowledge of the complainant when the decision was made or for any other sufficient reason.

(3) An application for review shall be in writing and shall state—

- (a) the details of the complaint;
- (b) the date on which the complaint was made;
- (c) the ground on which the application is based; and
- (d) the date on which the complainant was notified of the rejection of the complaint.

(4) The Committee shall consider the application and may allow it.

(5) The Committee shall determine the outcome of an application for review as soon as practicable and shall notify the applicant of the reason for its determination.

(6) Where the Committee receives an application for review it may request any information from any person which it considers necessary to dispose of the application.

(7) The Committee shall notify the applicant of its decision within seven of making the decision thereof.

**12. Withdrawal of complaint and lapse of time**

(1) A complainant may, in writing, withdraw a complaint at any stage of the proceedings and before any finding or recommendation is made, but such withdrawal shall not automatically terminate the investigation.

(2) The Committee may, in its discretion, continue with the investigation of any complaint, if, on the basis of evidence before it, such investigation is in the public interest.

(3) Where a complainant fails or neglects to respond to communication from the Committee within twelve months from the date of such communication, the Committee may deem the complaint date of such communication, the Committee may deem the complaint to have lapsed.

Provided that the Committee may on its own motion, commence the investigation of the complaint as if the same was a complaint requiring special investigation.

[Subsidiary]

## PART III – REPLY TO COMPLAINT

**13. Reply**

(1) A respondent shall within fourteen days of receipt of the order under regulation 9(4) file with the Secretary his Statement of Response in Form DC2 set out in the schedule.

(2) The respondent shall file together with his or her statement of response under paragraph (1) documents in support of his or her statement as he or she considers necessary.

(3) The Secretary shall, upon receipt of the Statement of Response and supporting documents enter the fact in the register kept for the said purpose.

**14. Request for further information**

In his or her reply or in a separate notice to the Committee, the respondent may request—

- (a) further particulars of the complaint or action by the complainant; or
- (b) a determination of any question as a preliminary issue.

**15. Preliminary consideration of reply by Committee**

(1) The Secretary shall, within seven days of receipt of the Statement of Response furnish the Committee with the Statement of Response and any supporting documents.

(2) The Committee shall, upon receipt of the statement under paragraph (a) and—

- (a) where it is satisfied with the response by the respondent, consider the matter as settled and inform the parties to the complaint of its decision within seven days; or
- (b) where it is of the opinion that the respondent has not adequately addressed the issues raised by the complainant, set a hearing date in accordance with regulation 16.

**16. Place and time of hearing**

(1) The Secretary shall—

- (a) within thirty days of receipt of the Statement of Response; or
- (b) where the respondent fails to file a reply to a complaint within the time specified under regulation 13,

and in consultation with the Committee, set a date for the hearing of the complaint and notify the parties to the proceedings in Form DC 3 set out in the schedule.

(2) A hearing notice shall be issued by the Committee and served on all other parties to the proceedings not less than twenty one days before the date set for the hearing.

(3) The hearing notice shall contain—

- (a) the date and time of the hearing;
- (b) a statement of the purpose of the hearing and a statement of the issues involved;
- (c) information and guidance, in a form approved by the Committee, as to attendance at the hearing of the parties and witnesses, the production of documents, and the right of representation;
- (d) a statement of the right of the parties to request for and receive reasons in writing for a decision of the Committee; and
- (e) a statement explaining the possible consequences of non attendance and of the right of an applicant and of any respondent who has presented a reply, but who fails to attend and is not represented, to make representations in writing.

(4) The Committee may alter the place and time of any hearing and the Committee shall give the parties not less than seven days notice of the alteration.

(5) The Committee may, from time to time, on its own motion or on the application of a party to the proceedings, adjourn the hearing and if the date, place and time of the next

hearing is announced in the presence of all the parties at the time of the allowing adjourning the hearing, no hearing notice shall be required to be issued to any party.

#### PART IV – HEARING

### **17. Powers of the Committee**

(1) The Committee shall, in conducting proceedings under these Regulations, have power to—

- (a) administer oaths;
- (b) summon persons to attend and give evidence;
- (c) order the production of relevant documents, including court judgments; and
- (d) subject to the provisions of the Regulations, regulate its own procedure.

(2) An oath may be administered by the person chairing the meeting of the Committee or by the Secretary.

(3) Notices and summons of the Committee shall be issued under the hand of the Secretary and shall be deemed to have been issued by the Committee.

### **18. Non-response by respondent**

Where the respondent fails to respond to a complaint as specified under regulation 13—

- (a) the hearing may proceed in his or her absence; and
- (b) he or she commits professional misconduct.

### **19. Form of proceedings**

In the determination of complaints under these Regulations, the Committee shall have due regard to the principles of natural justice and shall not be bound by any legal or technical rules of evidence applicable to proceedings before a court of law.

### **20. Language of proceedings**

(1) Proceedings before the Committee shall be conducted in English or Kiswahili.

(2) The Committee shall, taking into account all the circumstances, grant the assistance of a competent interpreter free of charge to a party or witness who does not understand or speak the language used at the hearing or who is deaf.

(3) The rulings of the Committee shall be in the English language but may be translated, on request by a party, into the Kiswahili language.

### **21. Information**

(1) The Committee may receive or obtain information from such persons as it may deem proper, including, information from such persons as the Committee considers to possess knowledge or experience in matters relating to any complaint before it.

(2) Where a complaint is not disposed of after the preliminary investigation, the Committee shall review the complaint with a view to initiating further investigations.

### **22. Confidentiality**

The Committee shall not disclose or publish information received by it in confidence without the prior consent of the informant.

### **23. Directions and pre-hearing orders**

(1) The Committee may on its own motion or on the application by a party to the proceedings give directions, including directions for the furnishing of further particulars or supplementary statements, as are necessary to enable the parties prepare for the hearing or assist the Committee determine the issues related to the hearing before it.

(2) The Committee may take into account the need to protect any matter that relates to the intimate personal or financial circumstance of any party, is commercially sensitive, consists of information communicated or obtained in confidence or concerns national

[Subsidiary]

security and may order that all or part of the evidence of a person be heard in private or prohibit or restrict the publication of that evidence.

(3) Subject to the provisions of paragraph (2), all proceedings before the Committee shall be held in public.

(4) The Committee shall not compel a person to give any evidence or produce any document or other material that the person could not be compelled to give or produce in a trial for an action in a court of law.

(5) An application by a party for directions shall be made in writing to the Committee and shall, unless accompanied by the written consent of all parties, be served by the party seeking directions on all other parties to the proceedings.

(6) If any party objects to the directions sought, the Committee shall consider the objection and if it considers it necessary, give the parties an opportunity to appear and be heard by it on the objection proceedings.

#### **24. Non-appearance by respondent**

(1) Where a member of the Institute whose conduct is the subject of investigation, fails without reasonable excuse, to appear either personally or by his representative at the time and place in the notice of hearing served on him or her—

- (a) the inquiry may proceed in his or her absence; and
- (b) he or she commits professional misconduct.

(2) If a person appearing at the inquiry, without reasonable excuse—

- (a) refuses or fails to be sworn or affirmed;
- (b) refuses or fails to answer a question that he or she is required to answer by the person chairing the Committee; or
- (c) refuses or fails to produce a document that he was required to produce by a summons served on him or her, he or she commits an offence.

#### **25. Failure to comply with directions**

(1) Where a party fails to comply with directions given under these Regulations, the Committee may, in addition to other powers available to it, before or at the hearing of the complaint dismiss the whole or part of the complaint, or, as the case may be, strike out the whole or part of a respondent's reply and where appropriate, direct that a party be excluded from participating in the hearing.

(2) The Committee shall not dismiss, strike out or give any directions under paragraph (1) of this regulation unless it has served a notice on the party who has failed to comply with the direction, giving him an opportunity to show cause why the Committee should not give directions under paragraph (1) of this regulation.

#### **26. Varying or setting aside of directions**

(1) A person on whom directions, including any summons, are served and who had no opportunity of objecting to the making of directions may apply to the Committee to vary or set aside the directions.

(2) The Committee shall not vary or set aside any directions under paragraph (1) of this regulation without first notifying the person who applied for the directions and considering any representations made by that person.

#### **27. Summons and orders**

(1) A person who is summoned to give evidence before the Committee shall be given at least seven days' notice of the hearing.

(2) A witness summons issued under this section shall be in Form DC4 set out in the Schedule.

**28. Exclusion of persons disrupting Proceedings**

Without prejudice to any other powers it may have, the Committee may exclude from the hearing or part of it, any person whose conduct has disrupted or is likely, in the opinion of the Committee, to disrupt the hearing.

**29. Failure of Parties**

(1) Where a party fails to attend or be represented at a hearing of which he has been duly notified, the Committee may—

- (a) unless it is satisfied that there is sufficient reason for the absence of the party, hear and determine the application in the absence of that party; or
- (b) adjourn the hearing, and may make such orders as to costs as it considers fit.

(2) Before determining an application under paragraph (a)(i) of this regulation, the Committee shall consider any representations made in writing submitted by that party in response to the notice of application and for the purpose of this regulation, the application and any reply shall be treated as representations in writing.

(3) A party aggrieved by the decision of the Committee under paragraph (a)(i) may file an application within thirty days from the date of the decision for review of the order, and the Committee may within reasonable time review the order on such terms as it considers fit, if the Committee is satisfied that there was sufficient cause for non-attendance.

**30. Procedure at hearing**

(1) The chairperson shall, at the commencement of the hearing, explain the order of proceedings which the Committee proposes to adopt.

(2) The Committee shall conduct the hearing such manner as it considers suitable for the determination of the application or the clarification of issues before it and generally in the interest of justice, avoid legal technicality and formality in its proceedings.

(3) The parties shall be heard in such order as the Committee shall determine, and shall be entitled to give evidence, call witnesses, and address the Committee on both evidence and generally on the subject matter of the application.

(4) Evidence before the Committee may be given orally or, if the Committee so orders, by affidavit or written statement, provided that the Committee may at any stage of the proceedings require the personal attendance of any deponent or author of a written statement.

(5) The Committee may receive evidence of any fact which appears to it to be relevant to the application.

(6) The Committee may, during the hearing and if it is satisfied that it is just and reasonable to do so, permit a party to rely on grounds not stated in his notice of application or, as the case may be, his reply and to adduce any evidence not presented to the Commissioner before or at the time the Commissioner took the disputed decision.

(7) The Committee may require any witness to give evidence on oath or affirmation and for that purpose it may administer an oath or affirmation in the prescribed form.

**31. Quorum**

The quorum at meetings of the Committee shall be five members.

**32. Power to determine**

The Committee may, by consent in writing of all the parties to a hearing determine the application or any issue arising therefrom without an oral hearing.

**33. Consolidation of proceedings**

The Committee may, upon giving the parties concerned an opportunity to be heard, order the consolidation of any proceedings before it where complaints have been filed in respect of the same matter or in respect of several interests in the same subject in dispute.

[Subsidiary]

**34. Amendment of statements**

The Committee may allow any amendments to the statements of complaint or response at any stage of the proceedings, provided that such amendment shall be for the interest of justice and is aimed at aiding the determination of the proceedings upon fair notice to the other party.

**35. Dispensing with requirements under these Regulations**

The Committee may dispense with any requirements of this Part with respect to notices, affidavits, documents, service or time, in any case where it appears to the Committee to be just or expedient to do so.

**36. Extension of time**

The Committee may extend the time for doing anything under this Part on such terms as the Committee thinks fit.

**37. Demonstration and display facilities**

The Committee may, at the request of any party and upon payment of the prescribed fees, provide visual demonstration facilities for the display of any maps, charts, diagrams, illustrations or texts and documents, which that party intends to exhibit during the hearing.

**38. Opportunity to be heard or cross-examine**

The Committee shall grant to any party a reasonable opportunity to—

- (a) be heard, submit evidence and make representations; and
- (b) cross-examine witnesses to the extent necessary to ensure fair hearing.

**39. Adjournment of proceedings**

(1) The Committee may of its own motion, or upon the application of any party, adjourn the inquiry upon such terms as it thinks fit.

(2) Notice of an adjournment of the inquiry shall be given to the persons involved in the proceedings in writing by the Committee.

**40. Judicial notice**

(1) The Committee may take judicial notice of—

- (a) facts that are publicly known and that may be judicially noticed by a court of law; and
- (b) generally recognised facts and any information, policy or rule that is within its specialised knowledge.

(2) Before the Committee takes notice of any fact, information, opinion or policy or rule other than that which may be judicially noticed by a court, it shall notify the parties of its intention and afford them a reasonable opportunity to make representations with respect thereto.

**41. Representation**

(1) Any party to the proceedings, may represent himself or be represented by an advocate of his choice.

(2) A party who is represented by an advocate may, at any stage of the proceedings change his advocate upon giving notice to the Committee and his former advocate.

(3) The party shall serve the notice of change of advocate on all other parties to the proceedings.

**42. Decisions of the Committee**

(1) After the hearing the complaint, the Committee may determine or order—

- (a) that the complaint be dismissed;

- (b) that the member of the Institute be reprimanded;
- (c) that the member of the Institute be suspended from practice for a specified period not exceeding two years;
- (d) that the name of the member of the Institute be struck off the register of members;
- (e) that the member of the Institute pay to the aggrieved person compensation of such amount as the Committee may determine, but limited to the extent of loss incurred taking into account all other prudent mitigating measures at the claimant's disposal; or
- (f) make such order as the Committee considers fit.

(2) The decision of the Committee may be taken by a majority of the members present and the decision shall record whether it was unanimous or taken by a majority of the members present.

(3) For the purposes of making the decision on the inquiry every member of the Committee has one vote, and, in the event of an equality of votes, the chairperson shall have a casting vote.

(4) The decision of the Committee shall be in writing and may be read out at the end of the hearing or be reserved and shall be signed and dated by the chairperson and every member who heard the matter.

(5) A dissenting opinion may be pronounced separately by the member who wrote it and shall be dated and signed by that member.

(6) Every document containing a decision referred to in this regulation shall, as soon as may be reasonable, be entered in the register and the Committee shall send a copy of the entry to each party.

(7) Every copy of an entry sent to the parties under paragraph (6) of this regulation shall be accompanied by a notification indicating the rights of the parties and of the time within which and place at which those rights may be exercised.

(8) Where the decision of the Committee refers to any evidence which has been heard in private a summary of the decision, omitting such material as the Committee may direct, shall be entered in the register, but copies of the complete decision document shall be sent to the parties together with a copy of the entry.

(9) Except where a decision is announced at the end of the hearing, it shall be treated as having been made on the date on which a copy of the document recording it is sent to the applicant.

(10) Every order or determination of the Committee shall be made under the hand of chairperson or in his or her absence, by the person chairing the meeting at which the order or determination is made.

(11) Every order or determination of the Committee bearing the signature of the person chairing the meeting shall be *prima facie* evidence that the order or determination is that of the Committee.

### 43. Reasons for decisions

The Committee shall give reasons for reaching its decisions, and each decision shall include—

- (a) a statement of the findings of fact made from the evidence adduced, including, where applicable, any relevant government policy; and
- (b) a statement of the laws and rules of law applied, and the interpretation thereof.

### 44. Cost of Proceedings

The Committee may recover the cost of an inquiry from any or all the parties to the proceedings.

[Subsidiary]

PART V – MISCELLANEOUS PROVISIONS

**45. Reports of the Committee**

The Committee shall submit an annual report of its decisions and activities to the Council.

**46. Additional powers of the Committee**

(1) The Committee may-

- (a) where the parties to an application agree in writing upon the terms on which an application or issue should be decided, confirm the agreement reached by the parties and decide accordingly;
- (b) at any stage of proceedings before it, by order strike out or amend any notice, reply, supplementary statement or written representation on the grounds that it is scandalous, frivolous or vexatious; or
- (c) at any stage of the proceedings before it, by order strike out any application for want of prosecution.

(2) Before making any order under paragraph (1) of this regulation, the Committee shall send a notice to the party against whom the order is to be made, giving that party an opportunity to show cause why the order should not be made.

**47. Correction of irregularities**

- (a) Any irregularity resulting from failure to comply with any provisions of these Regulations or any direction of the Committee before the Committee has reached its decision shall render any proceedings void.
- (b) Where any irregularity comes to the attention of the Committee, the Committee may, if it considers that any person may have been prejudiced by the irregularity, give such directions as it considers just before reaching its decision to cure or waive the irregularity.
- (c) Clerical mistakes in any document recording a direction or decision of the chairperson or the Committee, or errors arising as a result of an omission, may be corrected by the chairperson by certificate under his hand or by the Committee.

**48. Recording of proceedings**

- (a) The chairperson shall record or cause to be recorded all proceedings before the Committee or may order that the record of any proceedings before the Committee shall be taken by short hand notes or tape recorder or, at the discretion of the Committee, be electronically recorded.
- (b) A verbatim record of every hearing shall be made by the Committee, and copies of the transcript thereof shall be circulated to all members of the Committee and, on request, to any party to the hearing.

SCHEDULE

FORMS

**KENYA INSTITUTE OF SUPPLIES MANAGEMENT**

**Form DC 1**

(r.3(1))

This form is provided for use when submitting a complaint against a Supplies Practitioner. In order to initiate a complaint, the complainant must complete this form or prepare a similar detailed description of the factual allegations supporting the charges.

*(Please print/type the following information)*

Complainant's details:

Name: .....



Address:.....

Telephone number .....

Email address: .....

Supplies Practitioner's details

Name:.....

Address or place of work:.....

**INFORMATION TO BE SUPPLIED BY THE COMPLAINANT**

1. *Statement of Complaint:* Provide a statement of the facts, which the complainant believes, supports a formal investigation by the Kenya Institute of Supplies Management Disciplinary Committee. The complaint must include a clear explanation of the alleged unethical or unprofessional conduct of the named Supplies Practitioner. The statement must explain the facts in sufficient detail to permit the respondent Supplies Practitioner to answer the allegations.

.....  
.....

*List of Witnesses and Documents to be Submitted and Considered:*

.....  
.....

*The complainant should supply any documentary evidence that can support or demonstrate the complaint against the supplies practitioner. If possible, details of witnesses should also be supplied together with the complaint or may be submitted in person to the Committee.*

.....  
.....

**DECLARATION**

I ..... (complainant) certify that the facts submitted with this form are true and accurate to the best of my knowledge. I also understand that the accused Supplies Practitioner will receive a copy of this document as well as other information that may be submitted with regard to this complaint.

Signature of Complainant: .....

Date: .....

The above information should be sent by the complainant to:

Chairperson  
Disciplinary Committee  
Kenya Institute of Supplies Management  
Nairobi

**KENYA INSTITUTE OF SUPPLIES MANAGEMENT**

**Form DC 2** (r. 13(1))

**STATEMENT OF RESPONSE FORM**

This form is provided for use by a Registered Supplies Practitioner when responding to a complaint against him/her.

(Please print/type the following information)

Respondent's particulars

Name:.....

Address:.....

Telephone No:.....

Email address: .....

**INFORMATION TO BE SUPPLIED BY THE RESPONDENT**

[Subsidiary]

1. *Statement of Response.* Provide the Respondent's statement in response to the complaint.

.....  
.....

2. *List of witnesses and documents to be submitted and considered:*

.....  
.....  
.....

**DECLARATION**

I ..... (respondent) certify that the facts submitted with this form are true and accurate to the best of my knowledge.

Signature of respondent: .....

Date: .....

The respondent must complete this form and send to:

Chairperson

Disciplinary Committee

Kenya Institute of Supplies Management

Nairobi

**KENYA INSTITUTE OF SUPPLIES MANAGEMENT**

**Form DC 3**

(r. 16(1))

**NOTICE OF HEARING**

Registered Supplies Practitioners Name: .....

KINDLY TAKE NOTICE THAT a hearing will be held in respect of the allegation/s as detailed below:

ALLEGATION/S (specify here or in a separate document annexed to this document):

.....  
.....  
.....

The details of the enquiry are as follows:

DATE:.....

TIME:.....

VENUE:.....

By signing this notice you confirm that you have been advised of the following:

1. You are entitled to be assisted at the disciplinary hearing by a fellow practitioner or advocate
2. You are entitled to have an interpreter, if requested prior to the enquiry, timeously after receipt of this notice.
3. You are entitled personally, or through your representative, to question the complainant and witnesses during the enquiry.
4. You are entitled to call witnesses, furnish evidence and argue on the question of whether the allegation/s occurred.
5. You have been advised that should you refuse/fail to attend the hearing, the hearing will be held in your absence.

Chairperson of the Kenya Institute of Supplies Management Disciplinary Committee

Signature ..... Date .....

Registered Supplies Practitioner  
Signature ..... Date .....

**KENYA INSTITUTE OF SUPPLIES MANAGEMENT**

**Form DC 4** (r. 27(2))

**WITNESS SUMMONS**

In the matter of a complaint against ..... (Supplies Practitioner).

Whereas your attendance is required to give evidence on behalf of

.....

(complainant/respondent) to the above complaint, you are required by the  
Disciplinary Committee of the Kenya Institute of Supplies Management to appear  
before it at ..... AM/PM on the ..... day of ....., 20 .....

Consequences of not responding

Dated this ..... day of ....., 20 .....

Chairperson - KISM Disciplinary Committee

\_\_\_\_\_



**THE SUPPLIES PRACTITIONERS MANAGEMENT  
(COUNCIL ELECTION) REGULATIONS**

ARRANGEMENT OF REGULATIONS

*Regulation*

1. Citation
2. Interpretation
3. Purpose of the Regulations
4. Guiding Principles

PART II – INSTITUTIONAL FRAMEWORK

5. Appointment of the Electoral body
6. Dispute Resolution Committee
7. Powers of the Committee

PART III – CONDUCT OF ELECTIONS

8. Date of the Election
9. Publication and inspection of register
10. Rectification of entries in the register
11. Eligibility to vote
12. Notice of vacancy in the Council
13. Qualifications for nomination
14. Nomination Form.
15. Intent-to-vie Form.
16. Verification of nominations.
17. Withdrawal of candidature.
18. Unopposed candidates.
19. Campaign Period.
20. Voting.
21. Determination of election disputes.

PART IV – ELECTION OFFENCES

22. Election Offences
23. Revocation of L.N. 247/2015.

SCHEDULES

SCHEDULE —

FORMS

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## THE SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS

[Legal Notice 94 of 2022]

### 1. Citation

These Regulations may be cited as the Supplies Practitioners Management (Council Election) Regulations.

### 2. Interpretation

In these Regulations, unless the context otherwise requires—

“aspirant” means a member of the Institute who is nominated to contest in an election;

“candidate” means a person who has been approved by the electoral body to contest for an elective post pursuant to regulation 17;

“Committee” means the Elections Dispute Resolution Committee established under regulation 6;

“election” means the process by which members of the Institute vote for the Chairman and members of the Council;

“electoral body” means the Independent Electoral and Boundaries Commission established under Article 88 of the Constitution.

### 3. Purpose of the Regulations

The purpose of these Regulations is to provide for the procedure for the election of—

- (a) the Chairman of the Council; and
- (b) six members of the Council.

### 4. Guiding Principles

The election of the Chairman and members of the Council shall—

- (a) be by secret ballot;
- (b) use a system of voting that is simple, accurate and verifiable; and
- (c) be conducted in a free, transparent and fair manner.

## PART II – INSTITUTIONAL FRAMEWORK

### 5. Appointment of the Electoral body

(1) The Council shall, at least one hundred and twenty days to the election, appoint the Independent Electoral and Boundaries Commission to conduct the elections.

(2) The electoral body appointed under subregulation (1) shall—

- (a) receive and consider nomination papers of aspirants who seek elective office under these Regulations;
- (b) approve qualified aspirants to contest in the election;
- (c) supervise the casting of votes;
- (d) determine, declare and publish the results of the election; and
- (e) accredit a person as an agent or observer for purposes of the election.

### 6. Dispute Resolution Committee

(1) There is established a committee to be known as the Election Disputes Resolution Committee which shall comprise of—

- (a) one person nominated by the Nairobi Centre for International Arbitration established under section 4 of the Nairobi Centre for International Arbitration Act (Cap. 49A), who shall be the chairperson;

[Subsidiary]

- (b) three members of the Institute with at least seven years' experience, nominated by the Council through an open and competitive process;
- (c) an advocate of the High Court of Kenya with at least ten years' experience nominated by the Law Society of Kenya; and
- (d) the Corporation Secretary of the Institute, who shall be an *ex officio* member.

(2) The Committee shall be constituted at least one hundred and fifty days before the election.

(3) The Committee shall be responsible for resolving disputes arising from—

- (a) the publication of the register of members under regulation 9;
- (b) the nomination of candidates for the election;
- (c) the voting process; and
- (d) the outcome of the election.

(4) The quorum of the Committee shall be at least three members.

(5) The Committee shall determine a dispute before it within ten days from the date the dispute is lodged.

(6) A person aggrieved by a decision of the Committee under this regulation may appeal to the High Court.

## **7. Powers of the Committee**

In the performance of its functions under these Regulations, the Committee shall have the power—

- (a) to call for any document from any person to aid in its investigations;
- (b) to issue summons to any person to appear before it and give evidence;
- (c) to affirm a decision made by the electoral body;
- (d) to vary the decision made by the electoral body;
- (e) to nullify the candidature of a candidate;
- (f) to award costs; and
- (g) to exercise any other power for the effective discharge of its functions.

### PART III – CONDUCT OF ELECTIONS

## **8. Date of the Election**

(1) The election of the Chairman and members of the Council shall be held between every second Wednesday and second Friday in January in every third year.

(2) The election shall commence at 12:00 noon on the second Wednesday and conclude at 12:00 noon on the second Friday.

## **9. Publication and inspection of register**

Pursuant to section 19 of the Act, the Registrar shall, at least ninety days before the election, publish the register of members of the Institute on the Institute's website for inspection by the members of Institute.

## **10. Rectification of entries in the register**

(1) A member of the Institute may, upon inspection of the register under regulation 9, request the Registrar to rectify an entry in the register which is inaccurate, outdated, incomplete or misleading.

(2) The request under subregulation (1) shall be made within seven days after the date of the publication of the register and the Registrar shall—

- (a) rectify the entry in the register within seven days after the request; or
- (b) decline the request and inform the applicant in writing of the reasons for declining the request within seven days after the request.



(3) The Registrar shall, within twenty-one days after the publication of the register under regulation 9, submit the register of members to the body responsible for conducting the election.

(4) A person aggrieved by a decision of the Registrar in relation to the accuracy of the information contained in the register of members may lodge a dispute before the Committee.

### **11. Eligibility to vote**

A member of the Institute shall be eligible to vote in an election if that member has paid the annual subscription prescribed under section 3A(4) of the Act.

### **12. Notice of vacancy in the Council**

(1) The Chief Executive Officer shall, at least ninety days before the election, issue a notice of vacancy in the Council.

(2) The notice under subregulation (1) shall be published in at least two newspapers of national circulation and the website of the Institute.

(3) The notice shall specify—

- (a) the vacant office in the Council which is the subject of the election;
- (b) the date and time when the election shall be conducted;
- (c) the qualifications for nomination under regulation 13; and
- (d) the date and manner by which the nomination papers shall be submitted to the Chief Executive Officer.

### **13. Qualifications for nomination**

(1) A person shall qualify to contest in an election under these Regulations if that person

- (a) is registered as a member of the Institute in accordance with section 3A of the Act;
- (b) has paid the fee prescribed under section 3A(4) of the Act;
- (c) holds a valid practicing license;
- (d) has not been convicted of an election offence under regulation 22; and
- (e) meets the requirements of leadership and integrity set out under Chapter Six of the Constitution.

(2) A person contesting for an elective post under these Regulations shall—

- (a) fill the Intent-to-Vie Form F1 as set out in the Schedule;
- (b) fill nomination Form SPN 1 as set out in the Schedule, in the case of the Chairman, and nomination Form SPN 2 as set out in the Schedule in the case of a member of the Council;
- (c) be proposed by a member of the Institute and seconded by another member of the Institute;
- (d) be supported by at least fifty members of the Institute, where contesting for the position of the Chairman, and at least twenty-five members where contesting for the position of a member of the Council; and
- (e) deliver the Intent-to-vie form and nomination Form to the Institute either physically or electronically not later than the date specified in the notice under regulation 12.

(3) A person shall not propose, second or support an aspirant under this regulation unless that person—

- (a) is a registered member of the Institute; and
- (b) has paid the fee prescribed under section 3A(4) of the Act.

[Subsidiary]

**14. Nomination Form.**

The nomination Form under regulation 13(2)(b) shall detail—

- (a) the name and address of the aspirant;
- (b) membership registration number of the member;
- (c) license Number of the member;
- (d) the year of admission to the Institute;
- (e) the physical location where the candidate ordinarily practices from;
- (f) the office for which the candidate is nominated;
- (g) a description or profile of the candidate in not more than one hundred words;
- (h) a declaration that the information contained in the nomination Form is true and correct;
- (i) a declaration as to any pending convictions in court or declaration of bankruptcy by court; and
- (j) evidence of compliance with the requirements of leadership and integrity set out in Chapter Six of the Constitution.

**15. Intent-to-vie Form.**

(1) The duly completed nomination Form shall be accompanied by an intent-to-vie Form set out in the Schedule.

(2) The intent-to-vie Form shall be lodged with the Institute not later than the date fixed for submission of the nomination Form.

**16. Verification of nominations.**

(1) The electoral body shall, at least sixty days before the election, verify the nominations received under paragraph 13(2) and determine if an aspirant is eligible to contest at the election in accordance with regulation 13(1).

(2) The electoral body shall, on the sixtieth day to the election, notify the members of Institute of the candidates approved to contest in the election and publish the list of candidates on the Institute's website.

(3) Any person dissatisfied with any decision of the electoral body under this regulation may within two days from the date of notification of such decision, lodge a dispute with the Committee.

(4) Any person may within two days from the date of the decision of the Committee, seek a review of the decision of the Committee, where there is an error apparent on the face of the nomination Form.

**17. Withdrawal of candidature.**

(1) A candidate may within thirty days before the date of the election, withdraw his candidature in writing to the electoral body.

(2) The electoral body shall notify the members of Institute of the withdrawal of candidature received pursuant to subregulation (1) and publish a notice of withdrawal of candidature on the Institute's website, within forty-eight hours of receipt of the withdrawal.

**18. Unopposed candidates.**

(1) Where only one candidate declares interest for any vacant position in the Council, such candidate shall be deemed to have been duly elected.

(2) The electoral body shall, issue a certificate of election to the candidate elected unopposed under subregulation (1).

**19. Campaign Period.**

The campaign period shall commence sixty days before the date of the election and terminate forty-eight hours before the date of the election.

**20. Voting.**

Voting at an election under these Regulations shall be by electronic means and shall begin at 12:00 noon on the second Wednesday in January and end at 12:00 noon on the second Friday in January.

**21. Determination of election disputes.**

(1) A person who is aggrieved by the results of an election may, within seven days after the date of the declaration of the results, lodge a dispute with the Committee.

(2) A person who is aggrieved by the decision of the Committee may appeal against that decision to the High Court.

## PART IV – ELECTION OFFENCES

**22. Election Offences**

(1) A person who—

- (a) offers his or her candidature or otherwise campaigns, outside the prescribed campaign period;
- (b) makes derogatory statements about other candidates and the Institute;
- (c) distributes gifts to members to entice them to vote for a candidate;
- (d) distributes offensive campaign materials;
- (e) circulates campaign materials before the commencement of the campaign period;
- (f) proposes or seconds candidates while not being in good standing with the Institute;
- (g) knowingly or by design uses derogatory and defamatory communication or material, literature or and any other campaign materials in whatever medium;
- (h) directly and indirectly bribes, influences or induces a member of the Institute to vote or refrain from voting; or
- (i) makes false accusations or malicious statements against another candidate; commits an election offence.

(2) Any person who commits an offence under subregulation (1) shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty thousand shillings or both.

**23. Revocation of L.N. 247/2015.**

The Supplies Practitioners Management (Election) Regulations, 2015, are revoked.

## SCHEDULE

## FORMS

r.13(2)(a)

Form 1

INTENT TO VIE FORM

Supplies Practitioners Management

[Subsidiary]

A. POSITION:
<i>(insert Council position for which you are vying i.e. "Chairman" or "Council Member")</i>

PHOTO
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B. PERSONAL INFORMATION

1. Full Name:
2. Member Registration Number:
3. License No:
4. Position Nominated for:
5. Educational and Professional Qualifications: (Starting with the highest qualification)
6. Contact Details:

C. ADDITIONAL/OPTIONAL INFORMATION

1. Salutations/ Designations
2. Employment and Career progression in the last five years including current engagement:
3. Professional activities, other than employment

4. Candidates personal statement

Signature of Aspirant ..... Date.....

Form 1

r.13(2)(a)



NOMINATION FORM

CHAIRMAN:

COUNCIL MEMBER:

Full Name:.....

Address: .....

Organisation .....

Designation .....

ELIGIBILITY CRITERIA

Have you paid up subscription fees for the year 20.....?

Are you compliant with CPD requirements for the year 20.....?

Do you have any pending disciplinary case against you?

We, being registered members of the Kenya Institute of Supplies Management (the Institute) in good standing, hereby nominate the following person who is a registered member of the Institute in good standing, to vie for election for the position of Chairman or Council member of the Institute:

<b>NAME</b>	<b>REG NO</b>	<b>SIGNATURE</b>
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PROPOSER

SECONDER

SUPPORTERS

1.

2.

3.

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