

**THE NON-GOVERNMENTAL ORGANIZATIONS  
CO-ORDINATION ACT, 1990**

**No. 19 of 1990**

*Date of Assent: 14th January, 1991*

*Date of Commencement: By Notice*

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**An Act of Parliament to make provision for the registration  
and co-ordination of Non-Governmental Organizations  
in Kenya and for connected purposes**

ENACTED by the Parliament of Kenya as follows:—

PART I—PRELIMINARY

1. This Act may be cited as the Non-Governmental Organizations Co-ordination Act, 1990, and shall come into operation on such a day as the Minister may, by notice in the Gazette, specify.

Short title  
and  
commencement.

2. In this Act, unless the context otherwise requires—

Interpretation.

“Board” means the Non-Governmental Organizations Co-ordination Board established by section 3 (1);

“Bureau” means the executive directorate of the Board;

“Certificate” means certificate of registration issued under Part III;

“Council” means the National Council of Voluntary Agencies established under section 24;

“International Non-Governmental Organization” means a Non-Governmental Organization with the original incorporation in one or more countries other than Kenya, but operating within Kenya under a certificate of registration;

“National Non-Governmental Organization” means a Non-Governmental Organization which is registered exclusively in Kenya with authority to operate within or across two or more districts in Kenya;

“Non-Governmental Organization” means a private voluntary grouping of individuals or associations, not operated for profit or for other commercial purposes but which have organized themselves nationally or internationally for the promotion of social welfare, development, charity or research through mobilization of resources;

“register” means the register of Non-Governmental Organizations maintained by the Board.

## PART II ESTABLISHMENT, FUNCTIONS AND POWERS OF THE BOARD

Establishment  
of the  
Board.

**3.** (1) There is hereby established a Board to be known as the Non-Governmental Organizations Co-ordination Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall be capable in its corporate name of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) receiving, borrowing and lending money;
- (d) entering into contracts; and
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done or performed by a body corporate.

Composition  
of the  
Board.

**4.** (1) The Board shall consist of

- (a) a chairman appointed by the President;

- (b) not more than seven and not less than five members appointed by the Minister by virtue of their knowledge or experience in development and welfare management;
- (c) the Permanent Secretary in the Office of the President responsible for Non-Governmental Organizations;
- (d) the Permanent Secretary in the Ministry for the time being responsible for foreign affairs;
- (e) the Permanent Secretary to the Treasury;
- (f) the Permanent Secretary in the Ministry for the time being responsible for economic planning;
- (g) the Permanent Secretary in the Ministry for the time being responsible for social services;
- (h) the Attorney-General;
- (i) five members appointed by the Minister on the recommendation of the Council to represent the diversified areas of Non-Governmental Organizations' interests within the Board;
- (j) the executive director appointed under section 5 (1).

(2) The members of the Board, other than *ex-officio* members, shall hold office for a period of three years and shall then retire, but shall be eligible for re-appointment.

(3) A member of the Board, other than an *ex-officio* member, may resign his appointment by a letter addressed to the Minister.

(4) The Board may co-opt such number of persons not exceeding three in number to represent such interests as may be determined by the Board.

5. (1) The Minister may appoint an executive director who shall be the head of the Bureau and responsible for the day to day management of the business of the Board.

Executive  
director.

(2) The executive director shall be an *ex-officio* member of the Board but shall have no right to vote at any meeting.

(3) The executive director shall be the secretary to the Board.

Procedure  
at meetings  
of the  
Board.

6. (1) The chairman shall preside at all meetings of the Board, except that in his absence, the provisions of subsection (2) shall apply.

(2) In the event of the chairman being absent from any meeting of the Board, the members present shall elect one of the members present at the meeting to preside.

(3) The Board shall meet at least four times in each year but the chairman may, and upon application by six members shall, convene a special meeting of the Board.

(4) The quorum necessary for the transaction of the business of the Board shall be eleven, including at least seven members appointed under paragraph (b) and (i) of subsection (1) of section 4.

(5) All questions at a meeting of the Board shall be determined by a simple majority of the votes of the members present and voting.

(6) The chairman shall have, in case of equality of votes, a casting vote in addition to his deliberative vote.

(7) The Board shall cause the minutes of all proceedings of meetings of the Board to be entered in books kept for that purpose.

(8) Subject to this Act, the Board shall regulate its own proceedings.

Functions of  
the Board.

7. The functions of the Board shall be—

(a) to facilitate and co-ordinate the work of all national and international Non-Governmental Organizations operating in Kenya;

(b) to maintain the register of national and international Non-Governmental Organizations operating in Kenya, with the precise sectors, affiliations and locations of their activities;

(c) to receive and discuss the annual reports of the Non-Governmental Organizations;

(d) to advise the Government on the activities of the Non-Governmental Organizations and their role in development within Kenya;

- (e) to conduct a regular review of the register to determine the consistency with the reports submitted by the Non-Governmental Organizations and the Council;
- (f) to provide policy guidelines to the Non-Governmental Organizations for harmonizing their activities to the national development plan for Kenya;
- (g) to receive, discuss and approve the regular reports of the Council and to advise on strategies for efficient planning and co-ordination of the activities of the Non-Governmental Organizations in Kenya; and
- (h) to receive, discuss and approve the code of conduct prepared by the Council for self regulation of the Non-Governmental Organizations and their activities in Kenya.

**8. The Board shall have power—**

Powers of  
the Board.

- (a) to establish such subsidiary organs as may be necessary for the performance of its functions under this Act; and
- (b) subject to this Act, to appoint such officers as may be necessary for the performance of its functions.

**9. The Board shall establish and maintain a documentation centre on Non-Governmental Organizations and their activities in Kenya and such other information as may be necessary for the understanding and promotion of the contribution of Non-Governmental Organizations to national development.**

Documentation  
centre.

**PART III—REGISTRATION AND LICENSING OF  
NON-GOVERNMENTAL ORGANIZATIONS**

**10. (1) Every Non-Governmental Organization shall be registered in the manner specified under this Part.**

Registration  
of Non-  
Governmental  
Organizations.

(2) Applications for registration shall be submitted to the executive director of the Bureau in the prescribed form.

(3) An application for registration shall be made by the chief officer of the proposed organization and specify—

- (a) other officers of the organization;
- (b) the head office and postal address of the organization;

- (c) the sectors of the proposed operations;
- (d) the districts, divisions and locations of the proposed activities;
- (e) the proposed average annual budgets;
- (f) the duration of the activities;
- (g) all sources of funding;
- (h) the national and international affiliation and the certificates of incorporation;
- (i) such other information as the Board may prescribe.

(4) The Minister may, by notice in the Gazette, exempt such Non-Governmental Organizations from registration as he may determine.

(5) Application for registration under this section shall be accompanied by a certified copy of the constitution of the proposed Non-Governmental Organization.

**Fees.**

**11.** An application for registration of Non-Governmental Organization shall be accompanied by such fees as the Minister may from time to time prescribe.

**Certificate of registration.**

**12.** (1) Every Non-Governmental Organization registered under this Act shall be issued with a certificate of registration in accordance with this Part.

(2) A certificate of registration shall be conclusive evidence of authority to operate throughout Kenya or such parts of the country as are specified therein.

(3) A registered Non-Governmental Organization shall by virtue of such registration be a body corporate capable in its name of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) entering into contracts; and
- (d) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done or performed by a body corporate.

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13. (1) Every certificate issued to an organization shall be in the prescribed form and shall, unless cancelled, be valid for a period of sixty months from the date of issue.

Validity of certificate.

(2) A certificate issued under this Part may contain such terms and conditions as the Board may prescribe.

14. The Board may refuse registration of an applicant if—

Refusal of registration.

(a) it is satisfied that its proposed activities or procedures are not in the national interest;

(b) it is satisfied that the applicant has given false information on the requirements of subsection (3) of section 10;

(c) it is satisfied, on the recommendation of the Council, that the applicant should not be registered.

15. (1) The chief officer of an organization may, at the expiry of a certificate, apply to the Board for the renewal of that organization's certificate.

Renewal of certificate of registration.

(2) On receipt of an application made under subsection (1) the Board may issue a certificate to take effect from the date of expiry of that organization's previous certificate.

(3) At the time of issuing a new certificate under this section the Board may vary the terms and conditions attached to the certificate.

16. (1) The Board may cancel or suspend a certificate issued under this Part, if it is satisfied that—

Cancellation, etc. of certificate.

(a) the terms or conditions attached to the certificate have been violated; or

(b) the organization has breached this Act; or

(c) the Council has submitted a satisfactory recommendation for the cancellation of the certificate.

(2) Notice of the cancellation or suspension of a certificate shall be served on the Organization in respect of whom such cancellation or suspension relates and shall take effect within fourteen days after the date of that notice.

17. The Board shall receive and consider application for ~~work~~ permits in respect of prospective employees of a

Work permits.

registered Non-Governmental Organization and make recommendations to the Principal Immigration Officer for the issuance of the permit to the applicant.

Board may  
require  
proof of  
existence.

18. (1) If the Board has reasons to believe that a registered organization has, for any reason, ceased to exist, it may publish in the Gazette a notice calling upon such organization to furnish it, within a period of thirty days from the date of the notice, with the proof of its continued existence.

(2) The proof given under subsection (1) shall be accompanied by an authenticated recommendation by the Council.

(3) The Board may strike off the register any organization which fails to provide proof of its existence within thirty days from the date of the notice or if the Council report does not confirm the existence of such an organization.

Appeals.

19. (1) Any organization which is aggrieved by decision of the Board made under this Part may, within sixty days from the date of the decision, appeal to the Minister.

(2) On request from the Minister, the Council shall provide written comments on any matter over which an appeal has been submitted to the Minister under this section.

(3) The Minister shall issue a decision on the appeal within thirty days from the date of such an appeal, and such a decision of the Minister shall be final.

(4) If the Council is satisfied that the organization has ceased to exist, its recommendation to the Board shall include suggestions of how the assets and liabilities of the organization should be distributed and the reasons thereon.

Exempt  
organizations.

20. An organization established by a state or group of states for welfare, research, relief, public health or other forms of development assistance shall not be eligible for registration under this Act.

Privileges.

21. Any organization registered under this Act shall not be entitled to diplomatic or consular privileges or immunities.

Offences and  
penalties.

22. (1) It shall be an offence for any person to operate a Non-Governmental Organization in Kenya for welfare, research, health relief, agriculture, education, industry, the

supply of amenities or any other similar purposes without registration and certificate under this Act.

(2) A person convicted of an offence under this Part shall be liable to a fine not exceeding fifty thousand shillings or to an imprisonment for a term not exceeding eighteen months or to both.

(3) Upon sentence, the court may order that whole or part of the fine be remitted to the accounts of the Board to defray the cost of its operations.

(4) Any person who has been convicted of an offence under this Part shall be disqualified from holding office in any Non-Governmental Organization for a period of ten years.

#### PART IV—SELF-REGULATION BY THE NON-GOVERNMENTAL ORGANIZATIONS

23. (1) There shall be established a Kenya National Council of Voluntary Agencies, as a collective forum of all the voluntary agencies registered under this Act.

Establishment  
of the  
Council.

(2) The Council shall adopt its own structure, rules and procedures for the efficient administration of its activities:

Provided that the first meeting to adopt the structure and procedures of the Council shall be supervised by an official designated by the Minister.

24. (1) The Council shall develop and adopt a code of conduct and such other regulations as may facilitate self-regulation by the Non-Governmental Organizations on matters of activities, funding programmes, foreign affiliations, national security, training, the development of national manpower, institution building, scientific and technological development and such other matters as may be of national interest.

Code of  
conduct.

(2) The code of conduct shall only be adopted by a resolution at a meeting of the Council, attended by not less than two-thirds of the registered agencies and supported by not less than three-quarters of the voting members present.

(3) The code of conduct shall be subject to approval by the Board.

(4) The Council shall prescribe rules and procedures for audit of the accounts of Non-Governmental Organizations, which rules shall be submitted to the Board for ratification.

(5) The code of conduct shall prescribe the responsibilities of the Council which, once approved by the Board, shall be construed as obligations under this Act.

(6) The Board shall ensure that the code of conduct is consistent with the national and foreign policies and all written laws of Kenya.

(7) The Board shall cause the code of conduct approved under subsection (3) to be published in the Gazette but sections 27, 33 (e) and 34 of the Interpretation and General Provisions Act shall not apply.

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#### PART V---TRANSITIONAL ARRANGEMENTS

Transitional period.

25. (1) There shall be a transitional registration period not exceeding six months from the date of commencement of this Act; provided the Minister may extend the period upon application by a Non-Governmental Organization.

(2) All Non-Governmental Organizations that are presently registered under any other written law in Kenya shall, within the period specified in subsection (1), apply and obtain a certificate under this Act.

Membership of interim council.

26. The first one hundred Non-Governmental Organizations to be registered by the Board under this Act shall constitute a Council competent to develop and adopt the code of conduct under Part IV.

#### PART VI—FINANCIAL PROVISIONS

Financial year of the Board.

27. (1) The financial year of the Board shall be the period of twelve months commencing on the 1st of July, and ending on the 30th of June in each year.

(2) In the event of any change in the financial year, and for the purposes of the transition from the old financial year to the new financial year consequent upon that change, the transitional period, whether more or less than twelve months, shall be deemed for all the purposes of this Act to be a financial year.

Investment.

28. (1) The Board may invest any of its funds in securities in which, for the time being, trustees may by law invest

trust funds or in other securities which the Treasury may from time to time approve for the purpose.

(2) The Board may place on deposit with such bank or banks as it may determine, any money not immediately required for allocation or application.

**29.** (1) Before the commencement of a financial year the Board shall cause to be prepared estimates of the revenue and expenditure for that year.

**Annual estimates.**

(2) The annual estimates shall make provision for all estimated expenditure of the Board for the financial year concerned, and in particular—

- (a) for the approved recurrent and development expenditure;
- (b) for the payment of salaries, allowances and other charges in respect of the staff of the Board;
- (c) for the payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Board;
- (d) for the proper development and maintenance of the properties of the Board;
- (e) for the proper maintenance, repair and replacement of the equipment and other movable property of the Board;
- (f) for the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits or insurance or in respect of such other matters as the Board may deem fit.

(3) Annual estimates shall be approved by the Board, before the commencement of the financial year to which they relate and shall be submitted to the Minister for approval.

(4) No expenditure shall be incurred for the purposes of the Board except in accordance with the annual estimates approved under subsection (3).

**30.** (1) The Board shall cause to be kept all proper books and records of account of its income, expenditure, assets and liabilities.

**Books of accounts.**

(2) Within three months from the end of each financial year, the executive director of the Board shall submit to the Auditor-General (Corporations) the accounts of the Board together with—

- (a) a statement of financial activities, income, and expenditure during the financial year; and
- (b) a statement of assets and liabilities of the Board existing at the end of the year.

Audit.

31. (1) The accounts of the Board shall be audited by the Auditor-General (Corporations).

(2) The Auditor-General (Corporations) shall present to the Board, within a period of six months after the end of each financial year, a report of the examinations and audit of accounts and the report shall also be forwarded to the Minister.

(3) The Minister shall lay the Board's report and the report of the Auditor-General (Corporations) before the National Assembly within thirty days after the receipt of the report by him, or if the National Assembly is not sitting, within fourteen days after the commencement of the next sitting.

#### PART VII—MISCELLANEOUS PROVISIONS

Rules.

32. The Minister may make ~~rules~~ for the efficient carrying into effect of the provisions of this Act and, without restricting the generality of the foregoing, make ~~rules~~ <sup>regulations</sup>—

- (a) prescribing terms and conditions for the importation and use of any equipment required by the Non-Governmental Organizations for their activities in Kenya;
- (b) prescribing guidelines for advanced training and employment of Kenya nationals in the field of the activities of the Non-Governmental Organizations while such Kenya nationals are in their employment;
- (c) prescribing fees and other dues payable by the Non-Governmental Organizations as part of application for registration or renewal of registration;
- (d) stipulating the categories of ~~local associations or clubs~~ <sup>exempted from registration as Non-Governmental Organizations</sup>;

- (e) prescribing the information to be supplied in every application for registration;
- (f) prescribing the format of the reports of activities to be submitted by the Non-Government Organizations;
- (g) prescribing procedures for application for exemption from payment of taxes.

33. (1) Any person who makes, signs or utters a false statement or declaration in support or request for the exemptions under section 32 shall be guilty of an offence and shall be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.

Uttering false statements.

(2) Any person convicted of an offence under this section shall be disqualified from holding office in any Non-Governmental Organization for a period of ten years.

(3) On the first conviction of an official of a Non-Governmental Organization under this section, the Board may deregister that Organization.

(4) On the second conviction of an official, under this section the Board shall deregister that Non-Governmental Organization.

(5) Where a non-Kenyan national is convicted under subsection (2) or is found to have aided or abetted others in the offence, the Minister may recommend his expulsion from Kenya to the Minister in charge of immigration.

34. (1) The Non-Governmental Organization deregistered under section 33 (3) or (4) of this Act may appeal to the Minister against such deregistration.

Appeals.

(2) The Minister shall deliver his decision on the appeal under subsection (1) within twenty-eight days ~~and that decision shall be final and binding.~~

35. (1) The common seal of the Board shall be kept in such custody as the Board directs and shall not be used except upon the order of the Board.

Custody of common seal.

(2) The common seal of the Board shall be authenticated by the signature of the executive director and one other

member of the Board duly authorized by the Board in that behalf.

(3) The common seal of the Board when affixed to any document and duly authenticated under this section shall be judicially and officially noticed and, unless and until the contrary is proved, any order or authorization of the Board under this section shall be presumed to have been duly given.

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