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CONTENT

The Kenya Society of Professional Co-operators Act

THE KENYA SOCIETY OF PROFESSIONAL CO-OPERATORS ACT

No. XX of 2019

Date of Assent;

Date of Commencement:

ARRANGEMENT OF SECTIONS

Section

PART I – PRELIMINARY

1. Short title.
2. Interpretation.

PART II - PART II – ESTABLISHMENT OF KENYA SOCIETY OF PROFESSIONAL CO-OPERATORS

3. Establishment of the Society.
4. Membership of the Society.
5. Functions of the Society.
6. General meetings
7. Council of the Society.
8. Executive Director.
9. Staff.
10. Delegation of the Council.
11. Remuneration of the Council members.
12. Conduct of business and affairs of the Council.
13. Common seal
14. Protection of Council from liability.
15. Examinations Board.
16. Functions of the Examinations Board.

PART III- ESTBLISHMENT OF KENYA SOCIETY OF PROFFESIONAL COOPERATORS EXAMINATION BOARD

1. Establishment of the board
2. Functions of the board

PART IV- REGISTRATION COMMITTEE OF KENYA SOCIETY OF PROFESSIONAL CO-OPERATORS

1. Registration Committee.
2. Qualification for registration as a Co-operators professional.
3. Disqualification from registration.
4. Application for registration.
5. Certificate of registration.
6. Removal of names from the register.
7. Register.
8. Correction of the register.
9. Reinstatement to the register.
10. Use of title.

PART V – ESTABLISHMENT OF THE CO-OPERATIVE ACADEMY

11. Establishment of the academy
12. Functions

PART VI - RACTICING CERTIFICATE

PART VI- FINANCIAL PROVISIONS

13. Funds of the Council.
14. Financial year.
15. Annual estimates.
16. Accounts and Audit.

PART VII- DISCIPLINARY PROVISIONS

PART VIII - MISCELLANEOUS

17. Offences by persons not eligible to be registered.
18. Offences by persons eligible to be registered.
19. Falsification or register or records.

20. General penalty.
21. Regulations.
22. Transitional provisions.

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THE KENYA SOCIETY OF PROFESSIONAL CO-OPERATORS ACT, 2019

An Act of Parliament to provide for the establishment of Kenya Society of Professional Co-operators for purposes of promotion, registration and regulation of the co-operative professionals.

ENACTED by the Parliament of Kenya, as follows -

PART I - PRELIMINARY

Short title.

1. This Act may be cited as the Kenya Society of Professional Co-operators Act, 2020.

Interpretation.

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

“Cabinet Secretary” means the Cabinet Secretary responsible for co-operatives;

“Academy” means the co-operative academy established under sect

“Council” means the Council of the SOCIETY constituted pursuant to section 4;

“Disciplinary Committee” means the committee established under section 53;

“Examinations Board” means the Kenya Society of Professional Co-operators Examinations Board established under section 30

“Executive Director” means the person appointed as the Executive Director of the Society under section 5

“Federation” means a national cooperative society formed by cooperatives in a certain value chain.

“Society” means the Kenya Society of Professional Co-operators established under section 3;

“Practicing certificate” means a practicing certificate issued by the Registration Committee pursuant to section 51;

“Register” means the register kept pursuant to section 42 and

“Registration Committee” means the committee established under section 34.

PART II – ESTABLISHMENT OF KENYA SOCIETY OF PROFESSIONAL CO-OPERATORS

Establishment of Kenya Society of Professional co-operators

3. (1) There is established a Society to be known as the Kenya Society of Professional Co-operators.

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

- a) suing and being sued;
- b) purchasing, acquiring, holding or, disposing of property;
- c) borrowing money; 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 by a body corporate;

(3) The Headquarters of the society shall be in Nairobi, Kenya but the society may establish offices at any place in Kenya.

Membership Classification

(4) A person who is registered under this Act shall be a member of the society.

(5) The members of the society shall be classified into the following categories-

- a) Fellow Member;
- b) Full Member;
- c) Associate member;
- d) Graduate member;
- e) Student member.
- f) Honorary Member
- g) Corporate Associate members

(6) Fellow member and Full member shall have their names titled 'Certified Cooperative Professional' (CCOP)

(7) An Honorary Fellow shall not be a member of the Society.

Functions of the society

(8) The functions of the Society shall be to-

- a) establish, monitor and publish the standards of professional competence and practice amongst co-operators professionals;
- b) register persons who meet the required professional and ethics standards;
- c) promote research in co-operative management practice and related matters,
- d) publish books, periodicals, journals and articles on co-operatives;
- e) provide a medium for communication and exchange of information, knowledge and ethical standards for those persons engaged in the field of co-operatives;
- f) network with regional and international related bodies to promote and develop progressive professionalism in co-operatives;
- g) hold examinations and prescribe tests of competency deemed appropriate to qualify for membership and certification by the Society;
- h) advise the Examinations Board on matters relating to examination standards and policies;
- i) advise the Registration Committee on matters relating to registration;
- j) regulate the practice, competence and professional conduct of co-operators professionals;
- k) promote and protect the welfare and interests of the co-operators profession;
- l) promote inter-professional collaboration with other professional bodies; and
- m) carry out any other functions prescribed for it under any of the provisions of this Act or under any written law.

Management of the society

4.(1) The management of the Society shall vest in a Council which shall comprise of-

- a) a chairperson who shall be a qualified professional co-operator with at least five years' experience in co-operative management, elected by the members of the Society in the manner prescribed by regulations.
- b) Four other members, who shall be persons with knowledge and experience in co-operatives, elected by the Kenya society of professional co-operators in the manner prescribed under Regulations
- c) the Principal Secretary of the Ministry for the time being responsible for co-operatives or a representative designated in writing by the Principal Secretary;

- d) A person nominated by all cooperative Federations
- e) The chief executive officer of Cooperative Alliance of Kenya or his representative designated in writing.
- f) The Vice Chancellor of the Cooperative university of Kenya or his representative designated in writing.
- g) the Executive Director;

(2) A member of the council appointed under paragraph (I) (a) and (c) shall hold office for a period of three years and shall be eligible for re-appointment for a further and final term of three years.

Executive Director

5. (1) there shall be an Executive Director of the Society who shall be competitively appointed by the Council, and whose terms and conditions of service shall be determined by the Council in the instrument of appointment or otherwise in writing from time to time.

A person shall not be appointed as an Executive Director under this section unless such person-

- a) is a registered member of Kenya society of professional co-operators;
- b) has had at least five years proven experience in co-operative management; and
- c) meets the requirements of Chapter Six of the Constitution

(2) The Executive Director shall-

- a. be an ex-officio member of the Council but shall have no right to vote at any meeting of the Council;
- b. be the secretary to the Council;
- c. subject to the directions of the Council, be responsible for the day to day management of the affairs of the Society; and
- d. be responsible to the Council generally for the implementation of this Act

6. The Council may appoint such officers, agents and other staff as are necessary for the proper and efficient discharge of the functions of the Society and the Council under this Act,

upon such terms and conditions of service as the Council may determine.

7. The Council may, on the advice of the Executive Director, engage on behalf of the Society, the services of experts and consultants in respect of any of the functions of the Society in connection with which they are considered to have special competence.

8. The Council may, by resolution either generally or in any particular case, delegate to any committee or to any member, officer, employee or agent of the Council, the exercise of any of the powers or the performance of any of the functions or duties of the Council or the Society under this Act or under any other written law.

Payments to the Council

9. The members of the Council shall be paid such, fees, allowances and disbursements for expenses as may be determined by the Council upon the advice of the Salaries and Remuneration Commission

10. An office of a member of the Council shall become vacant if the member –

- a) dies;
- b) resigns the office by writing under his hand delivered to the chairperson of the Council;
- c) is absent without the permission of the chairperson for three or more consecutive meetings of the Council;
- d) is convicted of an offence and sentenced to imprisonment for a term of six months or more without the option of a fine;
- e) is found guilty of an offence under section 31 of the Act which in the opinion of the Council renders him unsuitable to continue to hold office;
- f) becomes for any reason including infirmity of body or mind, incompetent or incapable, of performing the functions of the office; or
- g) is otherwise unable to discharge his functions.

12. A vacancy in the office of a member under paragraph 3 shall be filled in accordance with the provisions of sect 4 of this Act.

Vice chairperson.

13. The Council shall, at its first meeting, elect a vice chairperson from amongst the persons appointed under section 4(b) of this Act.

Meetings of the council

14. The Council shall meet at least four times in each year.

Special meetings.

15. The Chairperson may at any time convene a special meeting of the Council or shall do so within fifteen days of a written requisition for the meeting signed by at least three members.

Chairperson to preside

16. (1) The Chairperson shall preside at all meetings of the Council, which he is present and in the case of his absence, the Vice Chairperson shall preside.

(2) At a meeting of the Council at which neither the Chairperson or Vice chairperson is present, the members of the Council present shall elect one of their number to preside, and the person so elected shall have all the powers of the chairperson with respect to that meeting and the business transacted thereat.

Quorum

17. The quorum for the conduct of the business of the Council shall be out in the regulations.

Voting procedure

18. The decisions of the Council shall be by a majority of votes, and the Chairperson of the meeting shall have an original and a casting vote.

Validity of proceedings

19. The validity of any proceedings of the Council shall not be affected by any vacancy among the membership thereof, or by any defect in the appointment of a member thereof.

Minutes

20. Minutes of the proceedings at meetings of the Council shall be kept in such a manner as the Council directs, and shall be made available on the written request of the member

Committees of the council

21. The Council may establish such committees as may be necessary for the performance of the functions of the Council and may, subject to the provisions of this Act, delegate powers conferred on it to any such committee.

Power of the council to regulate own procedures

22. Subject to the provisions of this Schedule, the Council shall regulate its own procedure.

Disclosure of interest

23. (1) If a member of the Council is directly or indirectly interested in any contract, proposed contract or other matter before the Council and is present at a meeting of the Council at which the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

24. (1) The common seal of the Society shall be kept in the custody of the Executive Director or of such other person as the Council may direct, and shall not be used except upon the order of the Council

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

25. No matter or a thing done by a member of the Council or by any officer, member of staff, or agent of the Council shall, if the matter or thing is done bona fide for executing the functions, powers or duties of the Council under this Act, render the member, officer, employee or agent or any person acting on their directions personally liable to any action, claim or demand whatsoever.

General meetings

26. The supreme authority of the society shall be vested in the General meeting of members

27. There shall be two classes of general meetings – Annual General Meetings and special general meetings

28. (1) The annual general meeting shall be held not later than four months after the end of the financial year. Notice in writing of such annual general meeting, accompanied

by the annual statement of account and the agenda for the meeting shall be sent to all members not less than 21 days before the date of the meeting and, where practicable, by press advertisement not less than 14 days before the date of the meeting.

(2) The agenda for any annual general meeting shall include the following: -

- a. Confirmation of the minutes of the last annual general meeting.
- b. Consideration of the financial reports and approve accounts.
- c. Consider and approve estimates of incomes and expenditure for following financial year.
- d. Election of office council members
- e. Appointment of auditors
- f. Such other matters as the council may decide or as to which notice shall have been given in writing by a member or members to the secretary at least four weeks before the date of the meeting.
- g. Any other business with the approval of the chairperson.

29. (1) A special general meeting may be called for any specific purpose by the council. Notice in writing of such meeting shall be sent to all members not less than 14 days before the date thereof

(2) A special general meeting may also be requisitioned for a specific purpose by order in writing to the secretary of not less than 1/3 members and such meetings shall be held within 21 days of the date of the requisition. The notice for such meeting shall be shown in and no matter shall be discussed other than that stated in the requisition

PART III: ESTBLISHMENT OF KENYA SOCIETY OF PROFFESIONAL COOPERATORS EXAMINATION BOARD

30. There is hereby established a Board to be known as the Kenya Society of Professional Co-operators Examinations Board.

31. The Examination Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of-

- a. suing and being sued;
- b. purchasing, acquiring, holding or disposing of property;
- c. borrowing money; 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 by a body corporate.

The constitution of the examinations Board

32. The Examinations Board shall consist of-
- a) four persons who shall be qualified members of Kenya Society of professional co-operators nominated by the Council, one of whom shall be appointed by the Council from amongst the members of the Society as Chairperson of the Board.
 - b) One person nominated by the Cabinet Secretary of the Ministry for the time being responsible for education, one of whom shall be either from Kenya institute of Curriculum Development or from the Kenya National Examination Council
 - c) one person nominated by the Commission for University Education; and
 - d) one person nominated by the Attorney General.

Functions of the examination Board

33. The functions of the Examination Board shall be to—
- a) prescribe and regulate syllabuses of instruction for Kenya Society of Professional Co-operators examinations;
 - b) prepare and conduct examinations for persons seeking registration under the Act;
 - c) make rules with respect to examinations;
 - d) prescribe the fees and other charges payable with respect to such examinations;
 - e) issue certificates to candidates who have satisfied examination requirements;
 - f) make rules with respect to examinations;
 - g) issue professional qualifying certificates and other awards to candidates who have satisfied examination requirements;
 - h) investigate and determine cases involving indiscipline by students registered with the Examination Board;
 - i) promote recognition of its examinations locally and internationally;
 - j) remit a proportion of not less than thirty percent of the fees collected under paragraph (d) to the Kenya Society of professional co-operators to support its continuity and development;
 - k) do anything incidental or conducive to the performance of any of the preceding functions.

PART IV – REGISTRATION COMMITTEE OF KENYA SOCIETY OF PROFESSIONAL CO-OPERATORS

Registration Committee

34. (1) There is hereby established a committee to be known as the Registration Committee.

(2) The Committee shall consist of-

- a) chairperson appointed by the Council from amongst members of the Council;
- b) one person nominated by the Cooperative Alliance of Kenya
- c) one person nominated by the Examination Board;
- d) one person nominated by the Kenya National Examination Council; and
- e) the Attorney General or his representative designated by him in writing.

Functions of the registration committee

35. The functions of the registration Committee shall be-

- a) receive applications for registration and grant practicing certificates in accordance with the provisions of this Act;
- b) monitor compliance with professional quality assurance and other standards published by the Council for observance by the members of the Society;
- c) prescribe regulations to govern quality assurance programmes, including actions necessary to rectify deviations from standards;
- d) where appropriate and based on the results of a quality assurance investigation recommend to the Council that a member's conduct be referred for inquiry under section 23;
- e) advise the Council on matters pertaining to professional and other standards necessary for the achievement of quality assurance; and
- f) perform any other functions connected therewith or incidental thereto.

36. The Secretary to the Council shall serve as the secretary to the Registration Committee, and may, with the consent of the person presiding at a meeting, take part

in the deliberations on any matter arising at the meeting, but shall not be entitled to vote on any such matter.

Eligibility for membership

37. (1) Subject to the provisions of this Act, a person shall be eligible to be registered as a member of the society if such person-

- a) is of good conduct;
- b) has paid the prescribed fees;
- c) has successfully undergone a prescribed certificate, diploma, degree or research course of instruction and has passed the appropriate examination conducted or prescribed by the Society; or
- d) has undergone a certificate, diploma, degree or research course of training and passed an examination elsewhere than in Kenya, which the Society recognizes as equivalent to the training and instruction required in the case of persons trained in Kenya and as equivalent to the qualifications required under the Act; and
- e) holds such other qualifications as the Council may prescribe.

(2) The Council may from time to time, by notice in the Gazette, approve qualifications, which it considers sufficient to allow a person to be registered, and may, in the same manner, withdraw that approval.

Disqualification from membership

38. (1) Subject to this section, a person is disqualified from being registered as a member of the society if the person-

- a) is convicted by a court of competent jurisdiction in Kenya or elsewhere of any offence involving -fraud or dishonesty;
- b) is an undischarged bankrupt;
- c) is of unsound mind and has been certified to be so by a medical practitioner; or
- d) is found by the Council to be guilty of professional misconduct in accordance with this Act; and
- e) he does not meet the requirements of Chapter Six of the Constitution.

Application for registration

39. (1) A person wishing to be registered as a Professional Co-operator shall apply to the

Registration Committee.

(2) An application under this section shall be made in the prescribed manner and form and shall be accompanied by the prescribed fee.

(3) Where an application is made by a person in accordance with this section, the Registration Committee shall approve the application if it is satisfied that the applicant meets the requirements specified under section 37.

Certificate of registration

40. The Registration Committee shall issue to every person registered under this Act a certificate of registration in the prescribed form. The certificate shall be renewed annually.

Removal from member register

41. (1) The Registration Committee may, at any time, direct that the name of a person be removed from the register where such person-

- a) is of unsound mind;
- b) requests that the name be removed from the register,
- c) is convicted of an offence under this Act;
- d) has been found guilty and his registration suspended or revoked through disciplinary proceedings under section 34;
- e) has failed to renew a membership;
- f) is declared bankrupt; and
- g) any circumstances arise which, if the member were then a person applying for registration, would disqualify him under section 20 from being registered.

Members Register

42. (1) The Secretary to the Registration Committee shall cause to be kept a register

which shall contain

- a) the names and addresses of persons registered under this Act;
- b) the names of all persons issued with a practicing certificate;
- c) particulars of the cancellation of the registration of any person; and
- d) such other details as the Council may direct

(2) The Secretary to the Registration Committee shall keep up to date or cause to be kept up to date the register and records required to be kept under or for the purposes of this Act, subject to any directions which may from time to time be issued him by the Council.

(3) The secretary to the Registration Committee shall remove from the register -

- a) the names of a deceased person; and
- b) any entry which has been incorrectly or fraudulently made.

(4) The secretary to the Registration Committee shall cause the name and address of every person whose name is removed from the register under this section, to be published in the Gazette within one month from the date of such removal.

(5) Subject to the provisions of this Act, the removal of a person's name from the Register shall be notified by the secretary to the Registration Committee to the person by registered mail addressed to the address appearing in the register against his name immediately before such removal.

(6) Where the name of any person has been removed from the register under this Act, such name shall not be reinstated except by the direction of the Council.

(7) A person whose name has been removed from the register shall cease to be registered for the purpose of this Act from the date of such removal.

Correction of register

43. The secretary to the Registration Committee shall from time to time make any necessary alteration or correction in the register in relation to any entry therein.

Reinstatement of the register

44. Where the name of any person has been removed from the register, the Council may, either of its own motion or on the application by the person concerned made in the prescribed manner, and in either case after holding such inquiry as the Council thinks fit, direct that-

- a) the removal of such person's name from the register be confirmed; or
- b) the name of the persons be restored in the register.

Use of title

45. A person registered under this Act shall-
- a) by virtue of being so registered, be entitled to take and use the title and description of a professional member of the society.
 - b) Not take or use, or affix to or use in connection with his premises, any title or description, in addition to that of a society, other than as indicated by the particulars relating to his qualifications entered in the register.

PART V: ESTABLISHMENT OF THE CO-OPERATIVE ACADEMY

Establishment of a co-operative academy

46. There is established the Co-operative academy of Kenya Society of Professional Co-operators
47. The Goal for the Co-operative Academy is to increase the capacity of the KSPC members, co-operative leaders, managers and Government officers to enhance service delivery to the movement
48. The objective of the co-operative academy is to improve leadership and management effectiveness of the Co-operative business model in Africa.
49. The Specific Objectives
- The Specific objectives of the Co-operative Academy are to:
- a. Offer customized Co-operative training and education to its members;
 - b. Provide consultancy and advisory services through its members;
 - c. Generate and disseminate Knowledge;
 - d. Promote the best practices in Co-operative management.
50. The academy will be managed by a steering committee reporting to the council who will comprise of the following representation
- a. Representation from the council
 - b. The Co-operative University of Kenya
 - c. Co-operative Alliance of Kenya
 - d. State Department for the time being responsible of Co-operatives
 - e. Council of Governors
 - f. County Assemblies Forum

- g. Co-operative Chief executive officers' forum

PART VI-PRACTICING CERTIFICATE

51. (1) No person shall practice or provide cooperative services unless the person has been issued with a valid practicing certificate.

(2) A person wishing to obtain a practicing certificate shall apply to the Registration Committee.

(3) An application under this section shall be in the prescribed form and shall be accompanied by the prescribed fee.

(4) Where an application is made by a person in accordance with this section, the secretary to the Registration Committee shall issue such a person a practicing certificate if satisfied that the person-

- a) is registered under this Act; and
- b) meets such other requirements as may be prescribed and if not satisfied, shall refuse the application.

(5) A practicing certificate remains in force unless its holder-

- a) is removed from the register; or
- b) has been suspended under section 34.

(6) Where a practicing certificate ceases to be in force under subsection (5), the person to whom the certificate was issued shall deliver it to the Council within thirty days from the date on which he ceases to be registered.

(7) Any person who, without reasonable excuse contravenes subsection (6) commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings.

PART VII – DISCIPLINARY PROVISIONS

Professional misconduct

52. A person registered under this Act is guilty of professional misconduct if the person-

- a) deliberately fails to follow the laid down co-operative management procedures of the co-operative & society act, employer or client save those which are in violation of law;
- b) refuses, fails or neglects to apply established co-operative values & principles in the course of discharging his professional functions;
- c) engages himself in corrupt activities or practices;
- d) is guilty of gross negligence in the conduct of his professional duties;
- e) engages himself in negative practices such as nepotism, tribalism, racism and other acts of discrimination in the discharge of his professional functions;
- f) discloses information acquired in the course of his duties to any person without the consent of his employer or client or otherwise than required by law;
- g) uses his position to obtain favours of a sexual kind or other benefits for which he is not entitled to in the discharge of his professional functions;
- h) engages in activities which are in conflict with those of his employer or client or activities which are contrary to those for which he is registered as a professional co-operator;
- i) is found guilty of fraud or any dishonest act allows any person to practice in his name as a Professional Co-operator unless such a person is the holder of a practicing certificate and is in partnership with him or employed by him/her
- j) allows any person to practice in his name as a professional co-operative practitioner unless such a person is the holder of a practicing certificate and is in partnership with him or employed by him;
- k) enters for the purpose of or in the course of practicing as a professional co-operative practitioner, into partnership with a person who does not hold a practicing certificate or secures any professional business through the service of such a person or by means

not open to Kenya society of professional co-operators;

- l) pays or allows or agrees to pay or allow directly or indirectly, to any person (other than a person who holds a practicing certificate, is a retired partner or the legal representative of such a partner) any share, commission or brokerage out of the fees for, or profits of, his professional services;
- m) expresses an opinion on any matter with which he is concerned in a professional capacity without obtaining sufficient information on which to base the opinion;
- n) fails to keep the funds of a client in a separate banking account or to use any such funds for purposes for which they are intended; and
- o) does or fails to do any other act which, may be prescribed.

The disciplinary Committee

53. (1) There shall be a Committee to be known as the Disciplinary Committee.

(2) The Disciplinary Committee shall consist of five members appointed by the Council, from among the members of the council.

(3) Members of the Disciplinary Committee shall appoint one of their numbers to be the Chairperson.

Reference of matters to the committee

54. Where the Council has reason to believe that a registered person may have been guilty of professional misconduct it shall refer the matter to the Disciplinary Committee which shall inquire into the matter.

Inquiry by the Disciplinary committee

55. (1) Upon inquiry held by the Disciplinary Committee, the person whose conduct is being inquired into shall be afforded an opportunity to be heard in person.

(2) For the purpose of proceedings at any inquiry held by the Disciplinary Committee, the Committee may administer oaths, and may subject to any regulations made under this Act, enforce attendance of persons as witnesses and the production of books and documents.

(3) The Disciplinary Committee shall, have power to regulate its own procedure.

Powers of the disciplinary committee

56. (1) Where, on recommendation of the Disciplinary Committee, the Council is satisfied that a member is in breach of any of the terms or conditions prescribed by the Council under section the Council may –

- a) issue the member with a letter of admonishment;
- b) suspend the registration of the member for a specified period not Exceeding twelve months
- c) withdraw or cancel the practicing- certificate of the member for such period not exceeding five years as may be appropriate;
- d) impose a fine which the Council deems appropriate in the circumstances; or
- e) remove the name of the professional co-operator from the register.

(2) The Council shall as soon as practically possible inform the member of the action to be taken against him.

(3) Any person whose name has been removed from the register or whose practicing certificate has been suspended shall forthwith surrender to the Council his or her certificate of registration or practicing certificate.

(4) Any person being a registered professional cooperative practitioner who refuses or fails to surrender his or her certificate of registration or practicing certificate to the Council shall be guilty of professional misconduct and shall be liable to a fine not exceeding two hundred thousand shillings.

(5) Any person aggrieved by the decision of the Council in the exercise of its powers under this section may within sixty days from the date of the decision of the Council, appeal to the High Court and in any such appeal, the High Court may annul or vary the decision as it finds necessary.

Lifting of suspension

57. (1) Where a member has been suspended from practicing; he or she may appeal to Council for the lifting of the suspension at any time before the expiry thereof.

(2) Where the Council is satisfied in respect of any professional co-operator that he or she

should have his or her suspension lifted, the Council shall, upon the receipt of the prescribed fee, lift the suspension and restore to the society, ' his or her registration and practicing certificate.

PART VII - FINANCIAL PROVISIONS

Funds of the council

58. (1) The funds of the Council shall consist of—

- a) such monies or assets as may accrue to or vest in the Council in the course of the exercise of its powers or performance of its functions under this Act;
- b) such monies as may be payable to the Council pursuant to this Act or any other written law;
- c) donations, gifts and endowments from lawful organizations or sources; proceeds of any investments by the Council; and grants.

59. The financial year of the Council shall be the period of twelve months ending on the thirty-first of December in each year.

60. (1) At least three months before the commencement of each financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the Council for that financial year.

(2) The annual estimates shall make provisions for all estimated expenditure of the Council for the financial year concerned, and in particular shall provide for the;

- a) payment of salaries, allowances and other charges in respect of the staff of the Council;
- b) payment of pensions, gratuities and other charges in respect of former staff of the Council;
- c) proper maintenance of the buildings and grounds of the Council;
- d) maintenance, repair and replacement of the equipment and other property of the Council;

- e) payment of allowances of the members of the Council and the members of the Board;
and
- f) creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, replacement of buildings or equipment, or in respect of such other matters as the Council may deem fit.

(3) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the general meeting for approval.

(4) No expenditure shall be incurred for the purposes of the Council except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization of the Council given with prior approval by the general meeting.

Accounts and audit

61. (1) The Council shall cause to be kept proper books and other records of accounts of the income, expenditure, assets and liabilities of the Council.

(2) Within a period of four months after the end of each financial year, the Council shall submit to the general meeting the accounts of the society, in respect of that year, together with —

- a) a statement of income and expenditure during that financial year; and
- b) a statement of the assets and liabilities of the society on the last day of that financial year.

(3) The accounts of the society shall be examined, audited and reported upon annually by the society's Auditor to the annual general meeting.

PART VIII - MISCELLANEOUS

Offences by persons not eligible to be registered

62. (1) A person who, not being eligible to be registered under this Act, uses any title

appropriate to a person so registered, or holds himself out directly or indirectly as being so registered, commits an offence and shall be liable on conviction to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding two years, or to both.

(2) A person who, not being eligible to be registered under this Act, practices for gain as a professional co-operator, commits an offence and shall be liable on conviction to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding two years, or to both.

Offences by persons eligible to be registered

63. A person who, though eligible to be registered or licensed under this Act, is not so registered or licensed but practices as such, commits an offence and shall be liable on conviction to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding two years, or to both.

Falsification of registers or records

64. A person who willfully makes or causes to be made any false entry in, or falsification of, any register or record kept under this Act, or who presents or attempts to present himself or any person to be registered under this Act by making or producing or causing to be made or produced a false or fraudulent representation or declaration, either orally or in writing, commits an offence and shall be liable on conviction to a fine not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

65. A person convicted of an offence under this Act for which no penalty is provided shall be liable to a fine not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

66. The Council may, with the approval of the general/delegate meeting, make regulations generally for the better carrying out of the provisions of this Act, and without prejudice to the generality of the foregoing, may make regulations -

- a) prescribing the curriculum and the courses of study to be pursued by the students and candidates in order to satisfy the academic requirements of any particular registration;
- b) prescribing the experience criteria to be met by candidates for registration;
- c) prescribing a code of ethics, rules of professional conduct and standards of practice;
- d) providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- e) prescribing fees payable to the society;
- f) governing the calling, holding and conducting of meetings of the board and of the members of the association; and
- g) authorizing the making of grants for any purpose that may tend to advance knowledge of professionalism in co-operative or improve standards, of practice.

Transitional Provisions

67. (1) The Governing Council of the Kenya Society of Professional Co-operators existing before the enactment of this Act shall assume the responsibilities imposed on the Council and Registration Committee by this Act as an Interim Council and Interim Committee/s until the first elections held under this Act.

(2) The chairperson elected at the last annual general meeting of the former Society shall continue to act as chairperson of the society until the first elections held under this Act.

(3) The Interim Council to facilitate the registration of members of the Society and the convening of the first annual general meeting at which Council members shall be elected.

(4) The first annual general meeting of the Society shall be convened by the Interim Council within a period of six months of the commencement of this Act.

(5) Any professional co-operator carrying out any business contrary to this Act shall ensure that the business is complaint with the Act within six months of the commencement of this Act.

(6) Any examinations currently being conducted by any statutory body for the purpose of qualifying as a professional co-operator shall be transferred to the Examinations Board within six months of the commencement of this Act.

(7) “former Society” means the Kenya Society of Professional Co-operators existing before the enactment of this Act.