



26TH JANUARY 2024 | ISSUE 3

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter - ANNUAL CONFERENCE EDITION

CONSULTATIVE MEETING WITH HOOK TANGAZA AND FRC



The Law Society of Kenya Secretariat, led by the Deputy CEO Mwathi Kitonga, together with the Vice President Ms. Faith Odhiambo and Council Member Mwaura Kabata, held a consultative meeting with Hook Tangaza and FRC to begin discussions on capacity-building initiatives for the LSK with regard to AML/CFT.

This marks the beginning of a series of consultative meetings and capacity-building initiatives for the LSK on AML/CFT.

FEATURED

News Segment

Notices/Vacancies

Upcoming Events

Weekly Bites



PARTNERSHIP MEETING WITH FSVC

The Law Society of Kenya, led by Ms. Florence Muturi (CEO), also met with the Financial Services Volunteer Corps (FSVC) to discuss possible opportunities for partnership to train Advocates in digital assets, AML/CFT and financial management.

The New York based NGO is willing to support the Society in capacity building, member sensitization and public awareness. We remain committed to building strategic partnerships to support the membership effectively.



LSK CPD WEBINAR REGISTRATION LINK



After booking and paying for LSK CPD Webinars, kindly follow the process below to access the Webinar Registration Link on your email.



NB

- When making payments via Mpesa insert the correct Account Number as indicated in the invoice.
- Upon completion of the above process, you will receive Webinar Log in Credentials in the email addresses indicated at the point of Webinar Registration.



THE KENYA SCHOOL OF LAW

COURSE: BOARD SECRETARIAL PRACTICES (3 LSK CPD POINTS)

DATE: 5TH – 9TH FEBRUARY, 2024

VENUE: **NAIVASHA**

ABOUT THE COURSE

Boards of directors have a direct impact in shaping the success of the organizations they govern. In order to be effective, they ought to have a thorough grasp of their authority, mandate, roles and responsibilities as well as the organization's operational environment and regulation.

The **Board Secretarial Practices** training is designed to equip participants to understand and implement sound policies and ongoing procedures for effective governance in a manner that complies with set legislation and various guidelines. The aim of the training is to equip participants with an in-depth appreciation of operations and processes of boards. It will similarly explore a practical application of how boards and management can work together to enhance board operations within the organization's operational environment and regulation.

The outcome of the training will be that participants will gain practical insight on how to set up structures, policies and procedures for governance, leadership, authority, decision-making accountability and transparency.

TRAINING FOCUS

The focus of the training will include;

- a) Introduction & definitions;
- b) Corporate governance in the public and private sectors;
- c) Planning, strategy and organizational policies;
- d) Board and committees: structures, roles and responsibilities;
- e) Board governance tools;
- f) Board-management interactions;
- g) Effective board operations and processes;
- h) Role of the board in organizational risk management;
- i) Financial management and procurement;
- j) Organizational sustainability;
- k) Measuring board performance: induction, empowerment and appraisal;
- l) Corporate governance from the Mwongozo perspectives;



- m) Role of the board in ensuring legal and regulatory compliance;
- n) Emerging corporate governance challenges and the way forward.

COURSE OUTCOME

By the end of the course the participant will be equipped to;

- a) Relate corporate governance theory and corporate governance in practice;
- b) Describe a typical board structure, operation and processes;
- c) Demonstrate an understanding of the roles and responsibilities of the board, its committees and the individual members, on the one hand, and the management, on the other hand;
- d) Explain the rationale and purpose of the Mwongozo Code;
- e) Apply the knowledge and skills gained to their respective organizational demands;
- f) Help their respective organizations to establish effective strategies and systems for board operations and processes and their interface with the management;
- g) Manage the challenges attendant to the interaction between the board and the management of an organization.

TARGET AUDIENCE

The training is suitable for the following, amongst others:

- a) Board members of state corporations;
- b) Board members of private companies;
- c) Chief executive officers of both private and public corporations;
- d) Company/corporation secretaries and legal personnel;
- e) Persons working in board secretariat;
- f) Private persons interested in matters of regulation and oversight;
- g) Persons involved in developing legislation or legislative proposals;
- h) Scholars and practitioners on corporate governance;
- i) Persons interested in public governance and accountability.

APPLICATION

Applications for the course should be done through the CPD online registration portal https://services.ksl.ac.ke/cpd_courses

YOUR INVESTMENT

Kshs. 95,000 inclusive of VAT and registration fee (covers tuition fees, course materials, stationery, lunch and refreshments). Non-East Africans pay **USD 1,250**. Money should be deposited in the **School's Account No. 202 2029 110, Absa Bank PLC, ABSA Plaza, Nairobi, Kenya** and banking slip or proof of payment scanned to us by **31st January, 2024** to enable us to adequately prepare for the course.

CPD POINTS

Members of the Law Society of Kenya who attend and complete the training will be entitled, on payment of **extra Kshs. 1,000.00** to be awarded 3 CPD points. Payment of this sum shall be effected during the training, as will be directed by the organizers of the training.

For any queries, contact Course Coordinator **Ms. Naserian Sitelu** on msitelu@ksl.ac.ke, or **Christine** on cmwanza@ksl.ac.ke or cpd@ksl.ac.ke.



CALL FOR PAPERS FOR THE LAW SOCIETY OF KENYA JOURNAL 2024

The Law Society of Kenya Journal is a peer-reviewed publication of the Law Society of Kenya prepared by the Editorial Committee. The Committee invites members to submit papers for consideration for publication in the 2024 Edition.

The Editorial Board welcomes scholarly articles, case reviews case commentaries and book reviews within Kenyan law and practice, comparative law in Africa and internationally.

Only submissions written in accordance with the Law Society of Kenya Journal (LSKJ)- Instructions to Authors will be considered. The Instructions can be accessed via the [link](#),

Submissions should be sent to journal@lsk.or.ke not later than **Tuesday, 30th April 2024 at 5 pm.**

NB: All submissions should include reliable telephone numbers and email addresses for ease of communication with the Editorial Committee.

Plagiarism is unacceptable and will lead to automatic rejection of the submitted paper.



3rd Floor, Chuka Place
Argwings Kodhek Road
P.O. Box 24482-00100
Nairobi - Kenya

Tel: +254 20 2714206/08, 2117477
Cell: +254 722 941694
Fax: +254 20 2714208
Email: training@tca.co.ke



LSK Accredited

TRAIN WITH CLARITY®

JANUARY 2024 TRAINING NOTICE

Date	Topic	Speaker	Cost	CPD Units	Time	Registration Link
19 th January 2024	New Health Laws: What Practitioners should know	George Kashindi Rose Nakhungu	3,500	1	2.00-4.00 pm	https://us06web.zoom.us/webinar/register/WN_R-tu0MGBQn-SQD9fCPRWHpA
22 nd January 2024	Labour Law Trends and Developments	Irene Kashindi FCI Arb George Kashindi	5,000	1	2.00-4.00 pm	https://us06web.zoom.us/webinar/register/WN_UTZ71vO1Tsy__ATr2HpPww
24 th January 2024	Data Protection: What Employers should Know	Shaddy Chemos Nelson Otieno Irene Kashindi	3,500	1	2.00-4.00 pm	https://us06web.zoom.us/webinar/register/WN_wMUroVUL-RoKxQnlwnJWnsA
25 th January 2024	New Year Planning for Lawyers/Firms	Bob Kalili Deborah Momanyi	5,000	1	2.00-4.00 pm	https://us06web.zoom.us/webinar/register/WN_O2oW2H9aQFK-Cww32r85Qgg
26 th January 2024	Mental Health and General Wellbeing for Lawyers/ Professionals	Dr. Theophilus Wangata Lynette Etemesi	1,500	1	10.00am-12.00 pm	https://us06web.zoom.us/webinar/register/WN_vdt3wLR-PRle97ZJpa6TAgw
29 th January 2024	Business Development for Lawyers/Firms	Ruth Wanyoike Brian Munialo George Kashindi	5,000	1	2.00-4.00 pm	https://us06web.zoom.us/webinar/register/WN_wG9S-5y1ARE2aC5mNmeLbDw
30 th January 2024	Emerging Practice Areas for Lawyers: Trends & Developments	George Kashindi Judy Warui Dr. Seth Wekesa	FREE	N/A	10.00am-12.00 pm	https://us06web.zoom.us/webinar/register/WN_cE-Gf3IN1T-yl25ox0CyBtA
31 st January 2024	Opportunities for Lawyers in the Energy Sector	Lilian Waweru Robert Mahenia Caroline Nyamweya	3,500	1	2.00-4.00 pm	https://us06web.zoom.us/webinar/register/WN_r2Q-6aL5QTum-iTYfHbQG_w

Registration will be completed/ approved after payment is received.

Payment Details:

Paybill Number: 4011607

Account: Name of participant

Amount: As Indicated

Kindly send the confirmation text to **+254 725 223300**

For any query or further information, relating to these courses, please contact:

Charlene Aurelia, Training Administrator

Tel: **0725 223300 / 0710 777752**

Email: **training@tca.co.ke**

BOOK NOW! Limited spaces available

Call/WhatsApp **+254 725 223 300** or Email: **training@tca.co.ke** or visit **www.tca.co.ke**



VACANCY- COMMERCIAL/CONVEYANCING ADVOCATE

We are a medium-sized law Firm with offices in Nairobi and are looking for a Commercial/Conveyancing Advocate to join our team.

Minimum requirements:-

1. Advocate of the High Court of Kenya;
2. Three (3) years Post admission experience in a busy commercial law firm/department with particular emphasis on Conveyancing, Banking Securities and Commercial Law;
3. Ability to develop positive relationships with clients and manage/meet client expectations;
4. Good knowledge and experience in research skills and drafting of legal documents;
5. High level of accuracy and attention to detail;
6. Highly disciplined with the ability to work with minimal supervision;
7. Able to demonstrate acumen in business development;
8. Be a team player, proactive, self-motivated and aggressive.

Interested, applicants should send their applications together with detailed CV, copies of academic and professional certificates, and testimonials to law.advocates.nairobi@gmail.com . Only applicants who meet the above criteria will be contacted for an interview.





COUNCIL DECISIONS TAKEN ON 15TH JANUARY 2024 AND 11TH DECEMBER 2023

The Council Decisions on applications taken on 15th January 2024 and 11th December 2023 for admission to the Roll of Advocates, Practicing Certificates, Notary Public and Commissioner for Oaths and Admission petitions November Special Gazette can be accessed on the link: https://drive.google.com/drive/folders/1LgHXMRS_jQcx04kZGIfIs0z6D2k_uNDEn?usp=sharing

NOTICE FOR COMMENTS ON THE TERMS OF REFERENCE FOR THE TASKFORCE ON RE-ENGINEERING AND TRANSFORMATION OF URBAN DEVELOPMENT IN KENYA

The Cabinet Secretary for Lands, Public Works, Housing, and Urban Development appointed a task force via Gazette notice No. 9142 on 14th July 2023, to assist the government in re-engineering the transformation of urban development in Kenya, with a focus on the establishment and funding of smart urban areas and cities.

The objective of the Taskforce is to develop and frame instruments that will lead to the holistic transformation of Urban Development in Kenya; a transformation that will drive sustainable, inclusive, resilient and smart urban and metropolitan development in Kenya. The scope of this assignment captures various urban thematic areas, including urban financing, infrastructure, urban planning, development, management, and legal and institutional frameworks. Click on the [link](#) to access the gazette notice.

Members are requested to submit their comments on the taskforce terms of reference to Mr. Wilson Alumasa via Wilson.alumasa@lsk.or.ke not later than Monday, 29th January 2024 at 5:00 p.m.





NOTICE- NAME SEARCH ON THE VOTERS' LIST

Pursuant to a Notice to the membership on verification of voters list for the LSK Elections, scheduled to be held on 29th February, 2024, the Society wishes to notify members on how to search for your name in the voters list. Kindly note that the voters' list only consists of members who had paid for their 2023 Practicing Certificate, by 29th December, 2023. To access the notice and voters' list please click on the link https://drive.google.com/file/d/1J1mNxEbWAOKqPIRLMdAiSxo8UZTW_ZSU/view?usp=sharing

How to Conduct your Name Search on the Voters List:

1. On the voters list, press Ctrl + F keys.
2. The 'Find' dialog box will pop up, on the top right corner, as shown on the image below.
3. On the "Find" dialog box, proceed to type your name or Admission Number (P.105) and click on the "Next" Button, until you find your entry.
4. If you are using a mobile device, please use the search function on your pdf viewer.
5. If you do not find your name in the list, kindly write an email to lskelections@lsk.or.ke

N/B- In the event a member wishes to change their polling center, you are required to send an email to lskelections@lsk.or.ke indicating the reasons for change.

To verify your ID Number or Passport Number, kindly login to your LSK portal and on the Dashboard, you will find your ID Number or Passport Number. These are the Identification details, that will be used for verification purposes, during voting.



UNIVERSAL HEALTH COVERAGE (UHC) AND ITS LEGAL JOURNEY

In October 2023, President William Ruto put pen to paper four healthcare legislations, namely the Social Health Insurance Act, Primary Health Care Act, Facility Improvement Financing Bill, and Digital Health Bill into law after they were passed by the Parliament recently. The four legislations were developed as part of the government's plan to advance Universal Health Coverage. Universal health coverage is a situation where individuals and communities access quality health services at a cost that does not lead to financial hardship.

This Journey began in 2018 for Kenya according to the Ministry of Health where a pilot project was rolled out in four Counties out of the 47 in Kenya. UHC model rollout adopted a two-phase medium-term approach. The first phase was expected to abolish all user fees at the primary level (local health centers) and the secondary level (county referral) hospitals. The second phase is the rollout of a social health insurance scheme through the National Health Insurance Fund NHIF. This is the phase where Kenya and its working class are at now. In this second phase, it was envisaged that contributions by Kenyans above the age of 18 years would be utilized by the government to complement the scheme by paying for the poor.

To make the program a success the government had to ensure that 3 factors had been resolved:

1. Financing of the Scheme through the NHIF/SCHIF vehicle
2. Increase the Fiscal Space for Social programs such as the UHC
3. Increase coverage for formal health services by incorporating the informal workforce into the scheme.

However, this journey to achieving the UHC has had its share of hurdles with the most controversial yet being the legislation under The Social Health Insurance Act 2023 which introduces the Social Health Authority (SHA). The SHA is set to manage the National Health Insurance Fund.



CONTD...

The legislation was set out to revamp the Healthcare financing system. Granted that Good health is essential for the economic and social development of the citizenry and the 2030 Agenda for Sustainable Development and its set target of disease prevention, health promotion, treatment and rehabilitation and palliative care while ensuring that people are not driven into poverty in pursuit of health care. Therefore, the Social Health Insurance Act has come into the arena.

The question then lies as to what will it mean for a change from the NHIF to the Social Health Insurance Fund. Through the Social Health Insurance Act of 2023. According to the Act, the Government will allocate resources to cover emergency and chronic care: It will also improve access to emergency care; it allocates resources to primary healthcare (PHC) lastly services under the new Act will be financed through taxation. Increased contributions by Kenyans working in the formal sector.

The controversy is laden in the provisions of the Act with wide implications to the public sector. The main ones being

1. There was no adequate stakeholder consultation employed in the development of the legislation
2. The provisions on pre-conditions as a registered member of the scheme before one can access health services in both the National and County Hospitals limits the equality principle in access to healthcare
3. Structural implementation issues such as a suitability test to be included in the scheme and the exit provisions

These three issues coupled with the governance challenges that the current NHIF has faced over the years make the most citizens cautious in its uptake. It is therefore important for #Wakilis to keep vigilance of the changes anticipated.

WRITTEN BY

SOPHIE KAIBIRIA

DIRECTOR, PRACTICE STANDARDS



**THE KENYA SCHOOL OF LAW****EFFECTIVE PUBLIC PROCUREMENT: DOCUMENTATION, RECENT DEVELOPMENTS IN LAW & BEST PRACTICE.**

(ACCREDITED BY LSK FOR 3 CPD POINTS)

THEME: *"enhancing compliance in public procurement documentation in Kenya"*

DATE: 19TH To 23RD FEBRUARY, 2024 **VENUE:** KSL NAIROBI

COURSE OVERVIEW

Sections 9(1)(f), 58 and 70 of the Public Procurement and asset disposal Act (2015) vests the responsibility of developing and issuing of standard bid/tender documents and formats to Public Procurement Regulatory Authority. To this end, the Authority has reviewed, updated and developed new Standard Tender Documents and Formats while incorporating changes in the Act, the Regulations and international best practices.

Despite all the measures, both internal and external audit reports frequently mention cases of non-compliance. This course therefore aims to provide participants with an overview of the applicable legal system related to contracting for the procurement of goods and services. It will explain the legal requirements and provide practical discussion on drafting documents for a procurement, to allow participants create contracts that are legally binding, identifying key legal risks and highlighting when specialist advice is needed.

FOCUS AREAS shall include;

- Overview of the Standard Tender documents: For procurement of goods, consulting and Non-consulting services and performance-based contracts /works.
- A review of common risk areas in procurement documentation /contracting.
- Judicial interpretation of various procurement disputes;

TRAINING METHODOLOGY

This practical and results-oriented course is based on adult learning concept. It will be presented using a combination of interactive presentations, case studies, participant activities and exercises to maximize the impact of the learning experience. Participants will have ample time to consider the ideas and apply the skills discussed.



NOTICE

By the end of the training participants will add value to their organization by being able to:

- **Adopt** the appropriate standard procurement documents within their institutions
- **Explain** how terms are incorporated in the contract and interpreted by the courts to ensure their organizations interests are protected
- **Identify** key legislation which shapes contracting behaviour
- **Evaluate** applicable remedies in the event of a dispute

The seminar is recommended specially for: In-house counsel, advocates, and procurement professionals, accounting officers, internal auditors, external auditors , compliance managers, engineering, operational, and maintenance, personnel who are involved in the planning, and execution of purchases and contracts, end-users involved in setting specifications and all others who are involved in the planning, evaluation, preparation, and management of purchases that cover the acquisition of materials, equipment, and services.

YOUR INVESTMENT: Ksh. 58,500 inclusive of VAT and registration fee (covers *tuition fees, course materials, stationery, lunch and refreshments*)

APPLICATION PROCESS

Application should be made ONLINE through the platform. Please log at: <https://services.ksl.ac.ke/web/login> sign up and register for the course.

Fees should be deposited in the **School's account (Account No. 202 2029 110 ABSA Kenya, Barclays Plaza Branch, and Nairobi, Kenya)** and banking slips or evidence of electronic funds transfer presented to the Finance office at KSL, Karen Campus by **14TH /02 /2024** to enable us to adequately prepare for the course. For more information, please contact Course Coordinator: Mr. Kefa Simiyu, Mr. Isaac Kuloba (Assistant Director, CPD), Christine or Jacqueline on:

Tel: +254(020) 2699581/6 Email: ikuloba@ksl.ac.ke, mkefa@ksl.ac.ke, cmwanza@ksl.ac.ke, jacqueline@ksl.ac.ke Website: www.ksl.ac.ke

ISAAC KULOBA

For DIRECTOR/ CHIEF EXECUTIVE OFFICER



ISO 9001:2015 Certified Organization