



5TH FEBRUARY 2024 | ISSUE 4

# THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

## MEETING WITH THE INTERNATIONAL MONETARY FUND (IMF)



The Law Society of Kenya met with the International Monetary Fund (IMF) General Counsel and Director, Legal Department on Friday, 2nd February 2024 to discuss issues on Anti-Money Laundering and Countering Financing Terrorism (AML/CFT), and possible future technical assistance.

The meeting was chaired by the Deputy CEO, Mwathi Kitonga, and Council Member Mwaura Kabata. As LSK continues to plan for future strategic involvement in the AML/CFT space, we look forward to interacting with various stakeholders as a step in the right direction.

### FEATURED

News Segment

Notices/Vacancies

Upcoming Events



## WOMEN IN SPORT CONFERENCE



The Women in Sports Conference, to be held from 14th to 16th February 2024, will be graced by the Hon. Ms. Tabia Mwita, Zanzibari Minister of Information, Youth Culture, and Sport, the Ambassador of Germany and other prominent guests across the globe. For more information, [click here](#).

Fee (USD)	Fee (TSH)	Package	
60	150000	Conference materials, Workshop and Gala	Athletes/ Student
100	250000	Conference materials, Workshop and Gala Dinner	Professionals
100	250000	Conference materials, Workshop and Gala Dinner	Non-Professionals

Please confirm your attendance by 10th February 2024 and feel free to reach out for any additional information or assistance required in making arrangements for your participation. For any inquire regarding the Conference, kindly contact us via 0714220524 or email [info@vinnarelegalchambers.co.tz](mailto:info@vinnarelegalchambers.co.tz) the Tanzania Partners and Hosts.

NB  
If you are in a group of three {4} delegates or more participants you will have a discount of 10%. Participants will be responsible for their transport and accommodation. For the Gala, you can book a table for ten for only 900 USD.



# Nation Classic Golf Series

The Premier Business Networking Sport

## LEGAL MINDS EDITION

Nation Media Group cordially invites you to it's Legal Minds Golf Edition and Dinner.

 16<sup>th</sup> Feb 2024

 Royal Nairobi Golf Club

 On course : Khaki & Navy Blue  
Off course : Smart Casual

Golfers @ Ksh 1,500  
Corporate Table for 3@Ksh 15,000



Golf Clinic



Brands Showcasing Solutions



Lots of Raffle Tickets to be won

AN INITIATIVE OF THE NATION MEDIA GROUP:



STRATEGIC PARTNER:



RSVP: [mbwononi@ke.nationmedia.com](mailto:mbwononi@ke.nationmedia.com) or call Monisylvia Bwononi on 0712 226 597



## UPDATE - PROCESSING OF PRACTICING CERTIFICATES FOR THE YEAR 2024

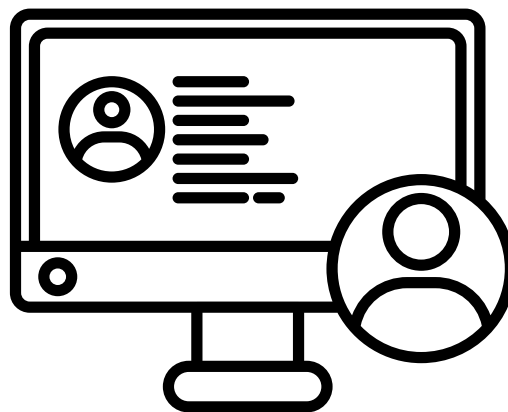
Further to our Notice issued on 28th January, 2024, on Practicing Certificate applications, we wish to notify members of the progress in processing and issuance of Practicing Certificates for the year 2024.

As at 31st January, 2024, the Law Society of Kenya has so far received a total of 11,895 practicing certificate applications. Thereafter, the verification process is undertaken, which involves scrutinizing of all uploaded documents. Click [Here](#) to view the relevant attachments to upload and guidelines to the Practicing certificate application.

In the course of verification, the Secretariat has noted several inconsistencies, which mainly consist of incomplete, inaccurate or incorrect documents. These anomalies have been communicated to the respective members, for rectification. Kindly note that receipts and or practicing certificates will not be issued until regularization of the correct uploaded documents. Additionally, verification is a continuous process and members with outstanding issues will continue to receive assistance, to ensure the immediate resolution of any pending matters.

For any inquiries, kindly contact the Secretariat at [memberservices@lsk.or.ke](mailto:memberservices@lsk.or.ke) or through our designated Telephone Numbers. Click [here](#) to find the contacts.

Thank you for your cooperation.





**RISKHOUSE**  
INTERNATIONAL

# IT AUDIT

## WHAT IS AN IT AUDIT?

This is a process of a review, examination, or evaluation of an organization's IT environment such as infrastructure, policies, procedures, and processes.

## TYPES OF IT AUDIT

The various types of audits or areas where IT auditing is of importance include.

### ➔ GENERAL IT CONTROLS AUDIT (GITC)

This includes an evaluation of an IT system's controls in the areas of access security, change management, interface and operations management, backup management, etc.

### ➔ PROCESS OR POLICY AUDITS

These include audits or reviews of various IT processes and policies that exist within an organization such as ours.

### ➔ CYBERSECURITY AUDIT

IT asset management audit, IT Portfolio management audit, etc.

### ➔ COMPLIANCE OR REGULATORY AUDITS

These include audits where the objective is to review an organization's compliance to industry standards or regulations e.g. PCI DSS, ISO 27001 Audit, and SOX audit.

Contact us for any of the services above

☎ 0726 748 889

✉ info@riskhouse.co.ke

🌐 www.riskhouse.co.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.

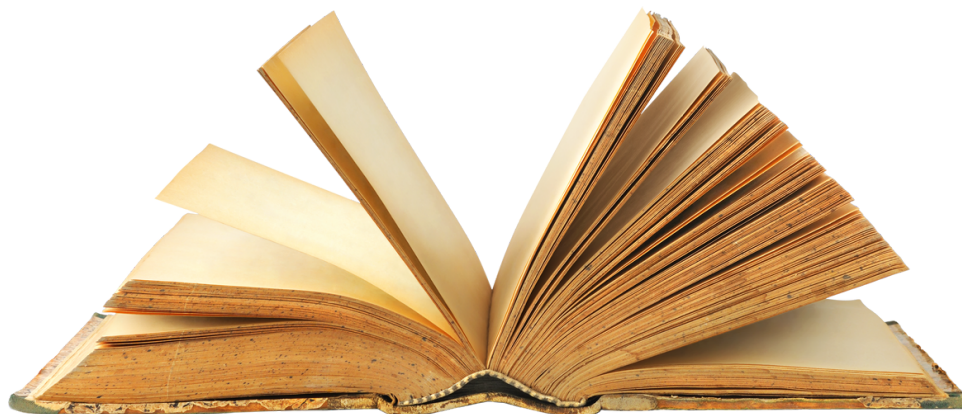
The Editorial Board welcomes scholarly articles, case reviews case commentaries and book reviews within Kenyan law and practice, comparative law in Africa and internationally.

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](mailto: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.





## CALL FOR ARTICLES FOR THE ADVOCATES MAGAZINE

The Law Society of Kenya invites members to submit articles for consideration for publication in the March 2024 issue of The Advocate Magazine - **Pathways to Justice Edition.**

The submitted articles should:

- a) Be in line with this Edition's Theme - **"Justice Unbound: Navigating Access in the Criminal Space"**
- b) Not exceed 1000 words (footnotes are not required).
- c) Attach passport-sized photos of the author to be published together with the submitted article.

The magazine also offers an opportunity for members of the Law Society of Kenya and non-members to place advertisements (at subsidized rates) as highlighted below:

- Double page spread Kshs. 500,000
- Full page Kshs. 300,000
- Strip front page Kshs. 200,000
- Half Page Kshs. 150,000
- Quarter page Kshs. 75,000

**NB: The advertising rates are exclusive of the 16% rate of VAT.**

The submitted articles shall be reviewed and the Society reserves the right to delete, edit, or alter in any manner it sees fit the submitted articles for publication.

The submission of articles and requests to advertise/partner should be sent to [a.rodil@lsk.or.ke](mailto:a.rodil@lsk.or.ke) and copied to [gloria.kuyoh@lsk.or.ke](mailto:gloria.kuyoh@lsk.or.ke) to reach us not later than **29th February 2024.**

## INTRODUCING THE NEW CLA COUNCIL 2024-2026

The Commonwealth Lawyers Association (CLA) announced the results of the recent elections to the CLA Council for 2024-2026.

The Council will now represent 44 different jurisdictions in a reflection of the rich breadth and diversity of the Commonwealth community.

The new Council will take up their posts at the first Council meeting of the new term on 18th March 2024.

Access the full list via this [LINK](#).





# LAWYER'S PROFESSIONAL INDEMNITY COVER

## WHAT IS COVERED

- ♥ Indemnity for legal liability due to breach of professional duty for negligent acts,error or omission committed or alleged to have been committed.The breach of the professional duty could be by the Lawyer, his/her partners or the employees.
- ♥ Legal expenses incurred in defending the lawyer against the claimant.
- ♥ The compensation is upto the limit of liability covered.

## WHY A LAWYERS PI COVER

- ♥ Increased risk of being sued as a Lawyer
- ♥ Standard of care owed by a lawyer is high
- ♥ The standard of care is equated to the degree of qualifications/ skills/ experience he/she posses
- ♥ Better informed consumers who know their rights

## WHY MADISON

- ♥ We take care of the risk and costs of law suits based on breach of professional duty
- ♥ We have acompetent legal team who act in a timely and professional manner to ensure speedy settlement of claims.
- ♥ We understand the importance of a Lawyer's reputation and how a malicious PI claim in the media can affect a good practice. It is for this reason that our first avenue is Out-of Court negotiations and settlement facilitated through our lawyers.
- ♥ Our PI lawyers are qualified arbitrators who will engage the Claimants on Alternative Dispute Resolution Mechanisms.
- ♥ We are always there when you need us!

### WHAT WE REQUIRE TO QUOTE:

- |   |  |
|---|--|
| i. Number of principal partners                                     | v. Limit of indemnity required-Per event and aggregate |
| ii. Their qualifications and period of experience in the profession | vi. Gross fee Income (Audited accounts)                |
| iii. Number of qualified staff                                      | vii. Previous claims history                           |
| iv. Number of other staff   |  |

Facebook: @MadisonGroupKenya | Twitter: @MadisonGroupKe | LinkedIn: MadisonKenya | Instagram: madisongroup\_ke





## VACANCIES

### LEGAL ASSOCIATES' POSITIONS

Muthoga Gaturu & Company Advocates, a medium-sized Law Firm wishes to recruit two Advocates; one for its Litigation Department and one for the Commercial & Conveyancing Department at its Head Office in Nairobi.

The successful candidate for Litigation should have the following minimum attributes:-

- Advocates of the High Court with current year's practising certificate;
- Practical experience in active litigation for a period between three(3) to five(5) years post admission;
- Specialized training, qualifications or demonstrable skillset in the relevant field will be considered an added advantage.

The successful candidate for Commercial & Conveyancing should have the following minimum attributes:-

- Advocate of the High Court with the current year's practising certificate;
- Practical experience in commercial law and conveyancing practice of up to three (3) years post-admission
- Specialized training, qualifications or demonstrable skillset in the relevant field will be considered an added advantage.

The Firm desires to employ persons of integrity, initiative and attention to detail. In addition, the candidates should be team players and should be capable of delivering results under pressure.

Interested and qualified candidates are asked to forward their application letters, testimonials and updated CVs to [info@mgmail.co.ke](mailto:info@mgmail.co.ke) not later than Monday, 12th February 2024. Only shortlisted candidates will be notified.

### PUPILLAGE POSITIONS

The Firm has historically prided itself in extending opportunities to upcoming lawyers. Interested applicants are required to forward their applications expressing interest, with testimonials and CVs, to [pupillage@mgmail.co.ke](mailto:pupillage@mgmail.co.ke) for consideration not later than Monday, 12th February 2024, after which shortlisted applicants will be notified.



## **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](https://drive.google.com/drive/folders/1LgHXMRS_jQcx04kZGIfIs0z6D2k_uNDEn?usp=sharing).

## **NOTICE FOR COMMENTS ON THE PUBLIC PARTICIPATION BILL (NATIONAL ASSEMBLY BILL NO:52 OF 2023)**

The Public Participation Bill (National Assembly Bill No.52 of 2023) was read for the first time on 12th October, 2023 and referred to the Committee on Parliamentary Broadcasting and Library for consideration.

The Bill seeks to provide a framework for effective public participation and to give effect to the Constitutional principles of public participation and participatory democracy as provided for in Articles 1, 10, 35, 69, 118, 174, 184, 196, 201, and 232 of the Constitution.

In accordance with Article 118 of the Constitution and standing order 127(3), members are hereby invited to submit their comments on the Public Participation Bill. The Bill can be accessed through this [Link](#).

Members are requested to submit their comments to Mr. Collins Odhiambo via [collins.h@lsk.or.ke](mailto:collins.h@lsk.or.ke) not later than Wednesday, 7th February, 2024 at 5:00p.m.





# Why ASSET TRACING



Asset tracing plays a critical role in enforcement of favorable judgments obtained from court by identifying and tracing the judgment debtor's assets aiding in successful execution of the judgment.

*The exercise takes the form of -*

**Identifications of movable and immovable assets**

**Mapping the asset types and related owners**

**Verification of the asset ownership**

**Establish the Subject's source of income e.g. Employment**

**Identification of the subject's liabilities**

**Detailed analysis of investments in fixed assets and investment pattern in subsidiaries, if any to obtain leads of assets, and further to establish affiliates of other entities**

At **Riskhouse International**, our asset tracing and recovery service is led by a team of highly qualified investigators who have the knowledge and know-how required in tracing assets. The team, which includes a team of lawyers with experience in debt restructuring and insolvency, play a critical role in offering practical strategies for the appropriate legal remedies that an entity can adopt in the recovery of the assets or the fruits of its judgment.

**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:** 19<sup>TH</sup> To 23<sup>RD</sup> 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*)

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### 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 **14<sup>TH</sup> /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](mailto:ikuloba@ksl.ac.ke), [mkefa@ksl.ac.ke](mailto:mkefa@ksl.ac.ke), [cmwanza@ksl.ac.ke](mailto:cmwanza@ksl.ac.ke), [jacqueline@ksl.ac.ke](mailto:jacqueline@ksl.ac.ke) Website: [www.ksl.ac.ke](http://www.ksl.ac.ke)

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For DIRECTOR/ CHIEF EXECUTIVE OFFICER



ISO 9001:2015 Certified Organization