

By Executive Order Number 2 of 2018 issued by the President on 14 June 2018, all Kenyan government entities and public owned institutions were required to publish full details of tenders and awards from July 01, 2018. The Order required public entities to disclose details including the particulars of the suppliers including owners, directors and beneficial ownership.

Subsequently, the Companies (Beneficial Ownership Information) Regulations, 2020 (the “Regulations”) were published and came into force on 18 February 2020. The Regulations prohibited the publication of beneficial ownership information except to competent authorities and only upon written requests to the Registrar.

On 10 February 2022, the Regulations were amended through The Companies (Beneficial Ownership Information) (Amendment) Regulations, 2022 (the “Amendment Regulations”). The Amendment Regulations allow:

- a. companies to disclose beneficial ownership information to procuring and contracting entities under the Public Procurement and Asset Disposal Act, 2015 and the Public Private Partnership Act, 2013;
- b. the Government to publish beneficial ownership information on its procurement portal; and
- c. the Government to seek and make public any important information regarding a company if such information affects the country.

These amendments enable public entities to comply with the Executive Order without violating the Regulations. This is intended to enhance transparency in public procurement and to help in the government’s efforts to fight corruption. We will monitor implementation of the amendments and update as relevant.