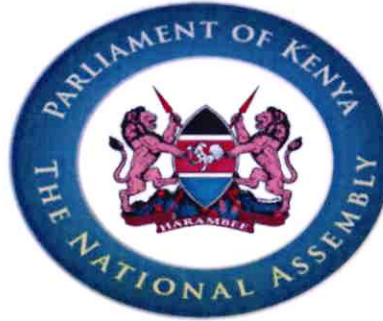




PARLIAMENT
OF KENYA
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*Approved
SNA
19/2/25*



THE NATIONAL ASSEMBLY

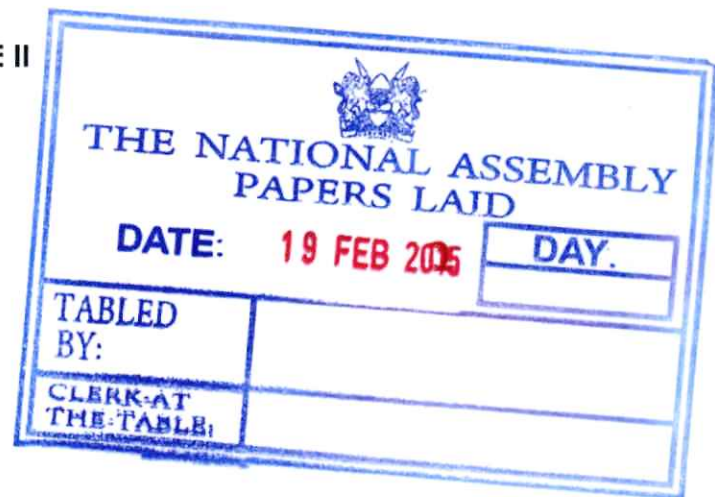
THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

REPORT ON:
THE CONSIDERATION OF THE INSURANCE PROFESSIONALS BILL, 2024 (NATIONAL
ASSEMBLY BILL NO. 13 OF 2024)

VOLUME II



Published by:

The Directorate of Departmental Committees
Clerk's Chambers
Parliament Buildings
NAIROBI

FEBRUARY 2025



Doc
→
20/5/24

MEMORANDUM ON THE INSURANCE PROFESSIONALS BILL (NATIONAL ASSEMBLY)
BILL NO. 13, 2024

PRESENTED TO

Benjamin Magut
to facilitate

THE NATIONAL ASSEMBLY OF KENYA
THE THIRTEENTH PARLIAMENT (THIRD SESSION)

La W
21/5/24

SUBMITTED TO

CLERK OF THE NATIONAL ASSEMBLY OF KENYA
PO BOX 41842-00100, NAIROBI

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF KENYA
THE INSURANCE PROFESSIONALS BILL NO.13 OF 2024

DATED 17TH MAY, 2024

SUBMITTED BY

The Insurance Institute of East Africa
Brunei House, Witu Road off Lusaka Road
P.O. Box 16481-00100, Nairobi, Kenya
Telephone: +254 723 334 408 | +254 20 6530128
Email: info@iiea.co.ke



1.0 INTRODUCTION

The Insurance Institute of East Africa (IIEA) is a leading provider of insurance education across the various functional areas of the insurance industry and is an approved training provider by National Industrial Training Authority (NITA) under Ref: NITA/TRN/1365.

IIEA has partnered with leading global providers of insurance education to offer a wide range of professional insurance qualifications developed by industry experts. The partners include The Australian and New Zealand Institute of Insurance and Finance (ANZIIF), Cambridge International College (CIC) Britain, International Fraud Training Group (IFTG), America's Health Insurance Plans (AHIP), The Digital Insurer (TDI) and the Institute of Chartered Shipbrokers to offer world class professional qualifications, designations, certifications and insurance fraud management programs to the insurance industry in Kenya. These programs are highly regarded across the industry and provide learners with the skills and knowledge to succeed in their careers across functional areas of the insurance industry.

IIEA has reviewed and interrogated the Insurance Professional Bill 2024. It submits this memorandum in line with its mandate as an integral player in insurance education and training in Kenya. Further, it responds to the invitation for public participation and submission of memoranda by the National Assembly - The Thirteenth Parliament (Third Session) dated 4th May 2024. This memorandum highlights IIEA'S select views of the proposals included in the Bill.

2.0 BACKGROUND/CONTEXT

For a long time now there have been attempts to regulate insurance professionals in Kenya so as to attempt to clean up and improve the image of the industry whose reputation has been great. It has always been observed that the absence of such professional regulation has led to substantial public losses, negative perceptions, and consequently, low market penetration.

In view of the above there appears to be some light at the end of the tunnel with the advancement of the **Insurance Professionals Bill** towards its enactment as an Act of Parliament.

This memorandum provides observations on select proposed clauses contained in the Bill. Our views are informed not only by our clients who are professionals and stakeholders in the insurance industry in Kenya but also IIEA's place, position and contribution in the development of insurance professionals in Kenya as an insurance training provider.

3.0 THE ISSUES

3.1 Part II – The Insurance Institute of Kenya

3.2 Clause 4 subsection 2 of the Bill proposes that members of the Institute are persons that are registered under subsection 2 and 3. In subsection 2 (a) it goes further to indicate that the professional bodies and examinations required to attain the respective membership levels proposed for professional level status.

Observations: There are other qualifications besides the 2 mentioned in the proposed Bill that professionals currently working in the insurance industry in Kenya have obtained leading to Fellow and or Associate membership of other professional bodies besides the aforementioned. In most instances this has led to their admission as AIK members on the strength of their membership affiliation. One such qualification is the International Diploma in Insurance awarded by Cambridge International College, Britain leading to holders of the qualification to be eligible to apply and be admitted as the Australian and New Zealand Institute of Insurance and Finance (ANZIIF) Senior Associate CIP Members.

About ANZIIF

ANZIIF has been around for 140 years in one form or another, making it one of the oldest professional associations in the world and the region.

From its start in 1884 as the Victorian Insurance Institute and New South Wales Insurance Institute, the Australian and New Zealand Institute of Insurance and Finance has grown into an international member organisation with operations across the Asia-Pacific region and members in 50 countries spanning across the globe.

Membership Levels

For purposes of this Bill ANZIIF offers the following membership levels: -

- **Fellow (ANZIIF (Fellow) CIP)** - Fellow is the most prestigious level of membership, awarded to insurance professionals who have completed post-graduate qualifications in financial services and have a strong technical knowledge of, and experience in, the industry.
- **Senior Associate (ANZIIF (Snr Assoc) CIP)** - Senior Associate membership is granted to financial services professionals who have completed a general insurance, insurance broking, loss adjusting, risk management, life insurance or personal injury qualification

equivalent to the AQF Diploma level or ANZIIF Executive Certificate in Insurance or overseas qualifications equivalent to the above e.g. the International Diploma in Insurance offered by Cambridge International College, Britain.

4.0 CONCLUSION AND RECOMMENDATION

In view of the above it is our recommendation that the Australian and New Zealand Institute of Insurance and Finance (ANZIIF) as a professional body and the qualifications leading to its **Fellow** (ANZIIF (Fellow) CIP) and Senior **Associate** (ANZIIF (Snr Assoc) CIP) membership levels including the International Diploma in Insurance be included in the Bill.

5.0 ANNEXURES

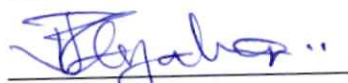
As indicated earlier in this memorandum we have many insurance professionals working across the industry who hold ANZIIF Senior Associate CIP Membership on the strength of the International Diploma in Insurance examinations who would be prejudiced if ANZIIF and the International Diploma in Insurance are not specifically included in the Bill. Below is just but a few of the professionals and copies of their Diploma and Membership certificates are attached: -

1. **MERCY MUTHONI GACHICHIO – GACHICHIO INSURANCE BROKERS**
2. **EUNICE NGANO – THE MONARCH INSURANCE**
3. **JOYCE CHIBONE WAMALWA - POLICYMART INSURANCE BROKERS LTD**
4. **GIKONYO MILLICENT MUTHONI – PRUDENTIAL LIFE ASSURANCE**
5. **EDWARD GIDEON GACHICHIO – GACHICHIO INSURANCE BROKERS**
6. **RUTH WAMUHU NGUGI – KENYA REINSURANCE CORPORATION**
7. **ADAM MURAGE – MADISON LIFE ASSURANCE COMPANY LTD**
8. **RONALD NAMAI – THE MONARCH INSURANCE**

And for further information on ANZIIF membership and their overseas qualifications and membership levels, have attached the ANZIIF Membership Brochure and Overseas Qualifications and ANZIIF Membership levels flier.

DATED at **NAIROBI** on this17th..... day of.....May..... 2024

DRAWN AND SIGNED On behalf of **THE INSURANCE INSTITUTE OF EAST AFRICA**



ELIJAH MOGERE
DIRECTOR



Australian and New Zealand
Institute of Insurance and Finance

This is to certify that

Ruth Wamuhu Ngugi

has qualified and been admitted as a

Senior Associate CIP

member given under the Seal of the
Australian and New Zealand Institute of Insurance and Finance
in Melbourne on this day

23 September 2023

ISAIAH M. MANDALA
ADVOCATE
& Commissioner For Oaths
P. O. Box 46967 - 00100,
Nairobi

**CERTIFIED TRUE
COPY OF THE ORIGINAL**



ANZIIF CEO

President



CAMBRIDGE INTERNATIONAL COLLEGE

**THIS IS TO CERTIFY THAT
RUTH WAMUHU NGUGI**

Member Number 20182F

*has successfully completed the College's Program of Study & Training
and has passed under approved Invigilation the Final Examination on:*

INSURANCE

in testimony whereof we have awarded this

INTERNATIONAL DIPLOMA

with the grade of Merit

*Witness our Hands and Seal
affixed on: 20 August 2021
at the College Headquarters, Jersey, Britain.*

*Principal & Chairman of
the Academic Board.*

*Vice Principal &
Director of Studies.*



ISAIAH M. MANDLA
ADVOCATE
& Commissioner for Oaths
P. O. Box 4696
Nairobi

CERTIFIED TRUE
COPY OF THE ORIGINAL



Australian and New Zealand
Institute of Insurance and Finance

This is to certify that

Eunice Ngano

has qualified and been admitted as a

Senior Associate CIP

member given under the Seal of the
Australian and New Zealand Institute of Insurance and Finance
in Melbourne on this day

3 April 2024

ISAIAH M. MANDALA
ADVOCATE
& Commissioner For Oaths
P. O. Box 46967 - 00100,
Nairobi

**CERTIFIED TRUE
COPY OF THE ORIGINAL**



ANZIIF CEO

President



CAMBRIDGE INTERNATIONAL COLLEGE

**THIS IS TO CERTIFY THAT
EUNICE WANGUI NGANO**

Member Number 20587F

*has successfully completed the College's Program of Study & Training
and has passed under approved Invigilation the Final Examination on:*

INSURANCE

in testimony whereof we have awarded this

INTERNATIONAL DIPLOMA

with the grade of High Merit

*Witness our Hands and Seal
affixed on: 24 November 2021
at the College Headquarters, Jersey, Britain.*

Principal & Chairman of
the Academic Board.

Vice Principal &
Director of Studies.



ISAIAH M. MANDALA
ADVOCATE
& Commissioner For Oaths
P. O. Box 46968 - 00100
Nairobi

CERTIFIED
COPY OF THE ORIGINAL

Certified As A True Copy of
The Original

International Headquarters: Attique House, Route de Quennevais, St. Helier, Jersey JE3 8FP, Britain.
Telephone: + 44 (0)1534 485485 Email: learn@cambridgetraining.com Website: www.cambridgecollege.co.uk

Date: 6.12.2021





Australian and New Zealand
Institute of Insurance and Finance

This is to certify that

Edward Gideon Gachichio

has qualified and been admitted as a

Senior Associate CIP

member given under the Seal of the
Australian and New Zealand Institute of Insurance and Finance
in Melbourne on this day

2 April 2024

ISAIAH M. MANDALA
ADVOCATE
& Commissioner For Oaths
P. O. Box 46967 - 00100,
Nairobi

**CERTIFIED TRUE
COPY OF THE ORIGINAL**



ANZIIF CEO

President





CAMBRIDGE INTERNATIONAL COLLEGE

THIS IS TO CERTIFY THAT
GACHICHIO EDWARD GIDEON

Member Number 24291F

*has successfully completed the College's Program of Study & Training
and has passed under approved Invigilation the Final Examination on:*

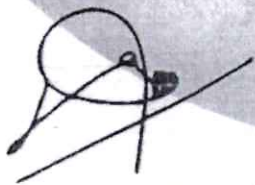
INSURANCE

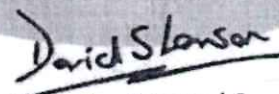
in testimony whereof we have awarded this

**INTERNATIONAL
DIPLOMA**

with the grade of High Merit

*Witness our Hands and Seal
affixed on: 06 November 2023
at the College Headquarters, Jersey, Britain.*


Principal & Chairman of
the Academic Board.


Vice Principal &
Director of Studies.



ISAIAH M. MANDALA
ADVOCATE
& Commissioner for Oaths
P.O. Box 46937 Nairobi
0100,
**CERTIFIED TRUE
COPY OF THE ORIGINAL**

International Headquarters: Attique House, Route de Quennevais, St Brelade, Jersey JE3 8FP, Britain.
Telephone: + 44 (0)1534 485485 Email: learn@cambridgetraining.com Website: www.cambridgecollege.co.uk





Australian and New Zealand
Institute of Insurance and Finance

This is to certify that

Mercy Muthoni Gachichio

has qualified and been admitted as a

Senior Associate CIP

member given under the Seal of the
Australian and New Zealand Institute of Insurance and Finance
in Melbourne on this day

2 April 2024

ISAIAH M. MANDALA
ADVOCATE
& Commissioner For Oaths
P. O. Box 46887 - 00100,
Nairobi

**CERTIFIED TRUE
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ANZIIF CEO

President



CAMBRIDGE INTERNATIONAL COLLEGE

THIS IS TO CERTIFY THAT
GACHICHIO MERCY MUTHONI

Member Number 24290F

*has successfully completed the College's Program of Study & Training
and has passed under approved Invigilation the Final Examination on:*

INSURANCE

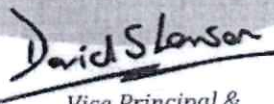
in testimony whereof we have awarded this

**INTERNATIONAL
DIPLOMA**

with the grade of High Merit

*Witness our Hands and Seal
affixed on: 06 November 2023
at the College Headquarters, Jersey, Britain.*


Principal & Chairman of
the Academic Board.


Vice Principal &
Director of Studies.



ISAIAH M. MANDELA
ADVOCATE
& Commissioner for Oaths
P. O. Box 46968 - 00100
Nairobi
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International Headquarters: Attique House, Route de Quennevais, St Brelade, Jersey JE3 8FP, Britain.
Telephone: + 44 (0)1534 485485 Email: learn@cambridgetraining.com Website: www.cambridgecollege.co.uk





Australian and New Zealand
Institute of Insurance and Finance

This is to certify that

Millicent Muthoni Gikonyo

has qualified and been admitted as a

Senior Associate CIP

member given under the Seal of the
Australian and New Zealand Institute of Insurance and Finance
in Melbourne on this day

5 April 2024

ISAIAH M. MANDALA
ADVOCATE
& Commissioner For Oaths
P. O. Box 46967 - 00100,
Nairobi

**CERTIFIED TRUE
COPY OF THE ORIGINAL**



ANZIIF CEO

President



CAMBRIDGE INTERNATIONAL COLLEGE

**THIS IS TO CERTIFY THAT
GIKONYO MILLICENT MUTHONI**

Member Number 22332F

*has successfully completed the College's Program of Study & Training
and has passed under approved Invigilation the Final Examination on:*

INSURANCE

in testimony whereof we have awarded this

**INTERNATIONAL
DIPLOMA**

with the grade of High Pass

*Witness our Hands and Seal
affixed on: 19 May 2023
at the College Headquarters, Jersey, Britain.*

Principal & Chairman of
the Academic Board.

Vice Principal &
Director of Studies.



I certify this to be a true
Copy of the original

JAMES MAMBOLEO
ADVOCATE & COMMISSIONER FOR OATHS

International Headquarters: Attique House, Route de Quennevais, St Brelade, Jersey JE3 8FR, Britain
Telephone: + 44 (0)1534 485485 Email: learn@cambridgetraining.com Website: www.cambridgecollege.co.uk

ISAIAH M. MANDALA
ADVOCATE
& Commissioner for Oaths
P.O. Box 46987-00100,
Nairobi
CERTIFIED TRUE
COPY OF THE ORIGINAL





Australian and New Zealand
Institute of Insurance and Finance

This is to certify that

Joyce Chibone Wamalwa

has qualified and been admitted as a

Senior Associate CIP

member given under the Seal of the
Australian and New Zealand Institute of Insurance and Finance
in Melbourne on this day

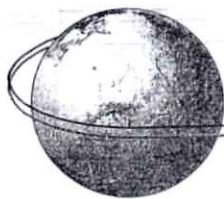
6 March 2024

ISAIAH M. MANDALA
ADVOCATE
& Commissioner for Oaths
P. O. Box 46967 - 00100,
Nairobi
CERTIFIED TRUE
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ANZIIF CEO.

President



Cambridge

International College

THIS IS TO CERTIFY THAT

JOYCE CHIBONE WAMALWA

Member Number 16715F

*has successfully completed the College's Program of Study & Training
and has passed under approved Invigilation the Final Examination on:*

INSURANCE

in testimony whereof we have awarded this

INTERNATIONAL DIPLOMA

with the grade of Distinction

*Witness our Hands and Seal
affixed on: 21 April 2017
at the College Headquarters, Jersey, Britain.*

Principal

Vice Principal



ISAIAH M. MANDALA
ADVOCATE
& Commissioner for Oaths
P. O. Box 46967, 00100
Nairobi

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International Headquarters: Heron House, St Peter, Jersey JE3 7BY, Britain.
Telephone + 44 (0)1534 485485 Fax: + 44 (0)1534 485071
Email learn@cambridgegetraining.com Website: www.cambridgecollege.co.uk





Australian and New Zealand
Institute of Insurance and Finance

This is to certify that

Adam Murage

has qualified and been admitted as a

Associate CIP

member given under the Seal of the
Australian and New Zealand Institute of Insurance and Finance
in Melbourne on this day

15 May 2020

ISAIAH M. MANDALA
ADVOCATE
& Commissioner For Oaths
P.O. Box 46967 - 00100,
Nairobi

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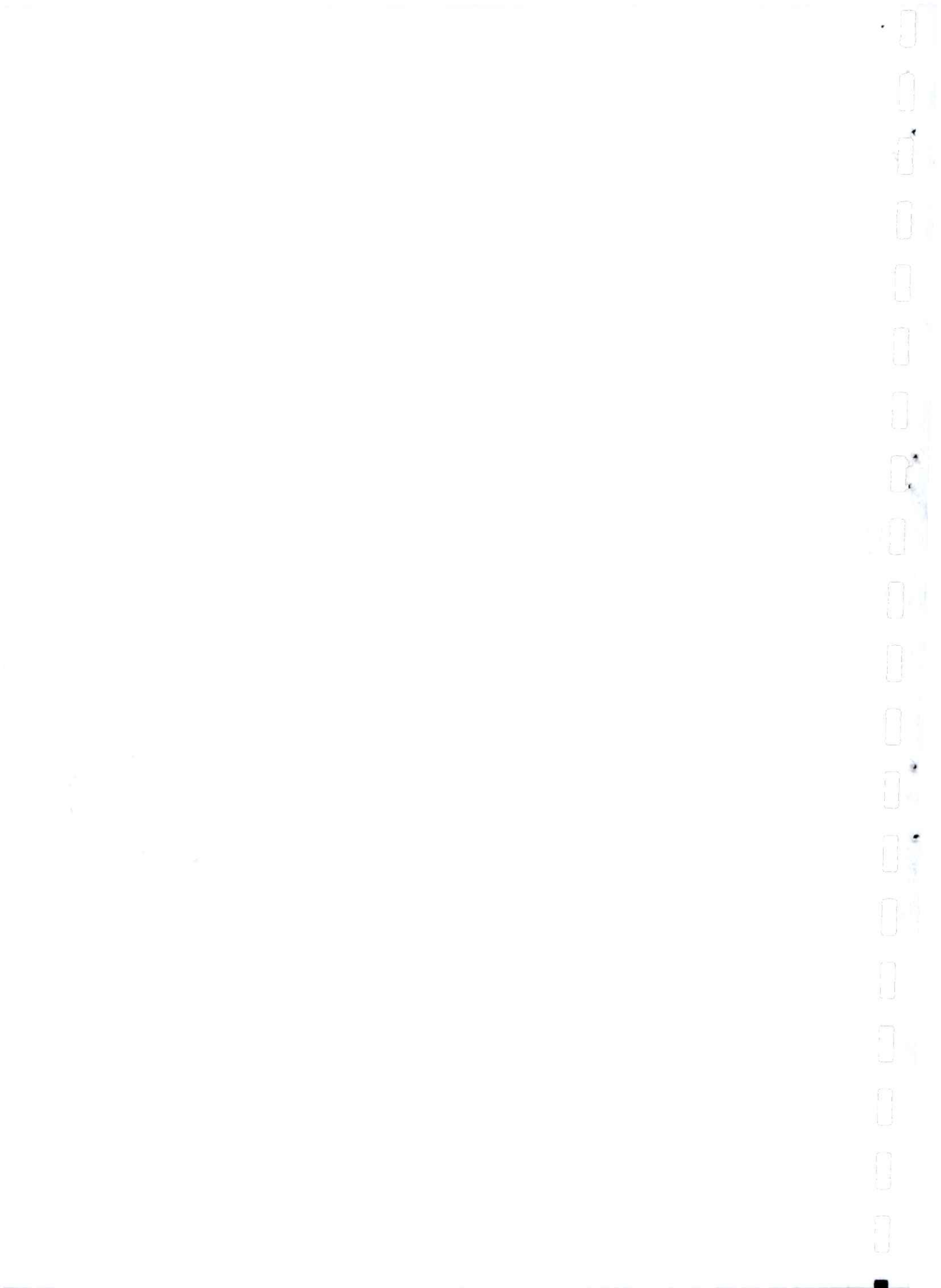
P. Wilkford

ANZIIF CEO



Megan Beer

President





CAMBRIDGE INTERNATIONAL COLLEGE

THIS IS TO CERTIFY THAT

MURAGE ADAM KIBUI

Member Number 19256F

*has successfully completed the College's Program of Study & Training
and has passed under approved Invigilation the Final Examination on:*

INSURANCE

in testimony whereof we have awarded this

INTERNATIONAL DIPLOMA

with the grade of Merit

*Witness our Hands and Seal
affixed on: 03 March 2020
at the College Headquarters, Jersey, Britain.*

*Principal & Chairman of
the Academic Board.*

*Vice Principal &
Director of Studies.*



ISAIAH M. MANDALA
ADVOCATE
& Commissioner for Oaths
P.O. Box 46987 -
Nairobi

CERTIFIED
COPY OF ORIGINAL





Australian and New Zealand
Institute of Insurance and Finance

This is to certify that

Ronald Namai

has qualified and been admitted as a

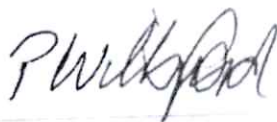
Senior Associate CIP

member given under the Seal of the
Australian and New Zealand Institute of Insurance and Finance
in Melbourne on this day

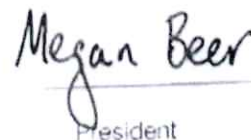
1 July 2020

ISAIAH M. MANDALA
ADVOCATE
& Commissioner For Oaths
P.O. Box 46967 - 00100,
Nairobi

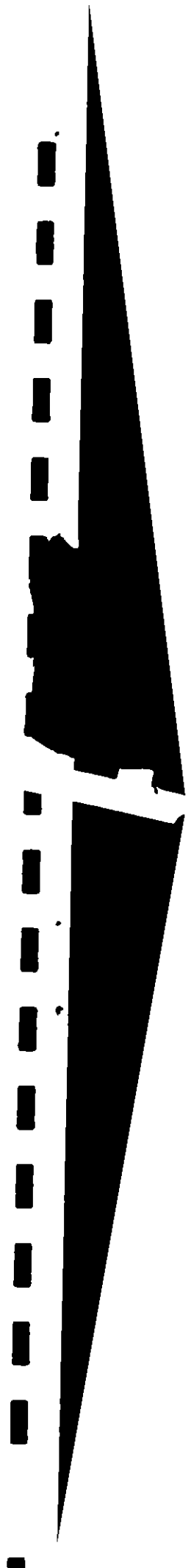
**CERTIFIED TRUE
COPY OF THE ORIGINAL**



ANZIF CEO



President





CAMBRIDGE INTERNATIONAL COLLEGE

This is to certify that

Cambridge International College has approved the Insurance Institute of East Africa

- * as an authorised Examination Centre
and
- * as a Training Centre for Cambridge International College's
Insurance and related Management Programs
and
- * to market Cambridge International College's Programs
and
- * to facilitate enrolments for those Programs
through Pan Africa Skills & Consulting Ltd

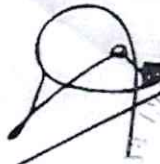
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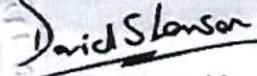
Kenya

(with reference: AF1126-9-IIEA)

*This statement is valid for the period 1st January 2022 to 31st December 2023
subject to the regulations and procedural requirements of Cambridge International College
and may be extended annually by mutual agreement.*




Principal & Chairman of
the Academic Board.


Vice Principal &
Director of Studies.

International Headquarters: Attique House, Route de Quennevais, St Brelade, Jersey JE3 8FP, Britain.
Telephone: + 44 (0)1534 485485 Email: learn@cambridgetraining.com Website: www.cambridgecollege.co.uk

ISAIAH M. MANDALA
ADVOCATE
& Commissioner For Oaths
P. O. Box 46961
Nairobi 00100

**CERTIFIED TRUE
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Commercial Street, Industrial Area
P.O. Box 74494-00200
NAIROBI

Tel: 020695586/9, 072917897, 0736290676
Email: directorgeneral@nita.go.ke
Website: <http://www.nita.go.ke>

When replying please quote:

NITA/TRN/1365/VOL.1/[18b]

3rd April 2024

The Lead Trainer
Insurance Institute of East Africa
P.O. Box 16481 - 00100
NAIROBI

RE: RENEWAL OF REGISTRATION AS A TRAINING PROVIDER WITH THE NATIONAL INDUSTRIAL TRAINING AUTHORITY UPTO 15TH MARCH 2025

Further to your application for renewal with the National Industrial Training Authority (NITA) as a training provider, we are pleased to inform you that in accordance with the provisions of Section 7C of the Industrial Training Act, Cap 237 of the Laws of Kenya, your renewal application **was approved**. The validity of your application will commence on **15th March 2024** and will be valid upto and including **15th March 2025**. You have been approved to offer the following courses: -

- Marine Insurance
- Life Insurance & Broking
- General Insurance
- Insurance Fraud
- Financial Institution Fraud
- **International Diploma in Insurance**
- Anti-Money Laundering
- Compliance
- Know Your Customer & Customer Due Diligence
- Financial Crime Prevention
- Risk & Governance
- Executive Certificate in Risk Management & Insurance

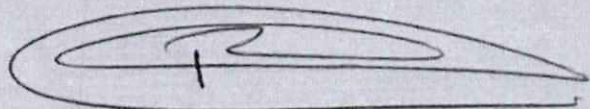
Your resource persons approved to deliver the above courses are as follows: -

1. Elijah Mogere
2. Kebenei Kiplimo
3. Andrew Lomosi
4. Maurice Apee

You are expected to adhere to the Code of Conduct for registered Industrial Training Providers. In addition, kindly ensure that you familiarise yourself with the NITA Guidelines for Training and Reimbursement reviewed from time to time.

Should you conduct any In-house training, please ensure that you endorse the NITA Course Evaluation Form for In-House Courses (**NITA/IT/IBTA/F/11**) that will be issued to you by the employer.

Your participation in Industrial Training is highly appreciated. We wish you success in your endeavours.



Peter Njiru
For: DIRECTOR GENERAL

PN/EO

Note: This approval is granted on the basis of information availed to the Authority as at the approval date mentioned above. The Authority reserves the right to revoke the approval if new evidence materially alters the compliance status of the recipient

ISAIAH M. MANDALA
ADVOCATE
& Commissioner for Oaths
P. O. Box 46968-00100,
Nairobi

CERTIFIED TRUE
COPY OF THE ORIGINAL



12th August 2020

The Director,
INSURANCE INSTITUTE OF EAST AFRICA
P.O. BOX 16481-00100
NAIROBI, KENYA

Att: Elijah Mogere

Dear Elijah,

Outcome of ANZIIF Accreditation Assessment

Further to your recent discussions with Bryce Yeo, ANZIIF Regional Manager of South East Asia, we would like to confirm that our accreditation team have examined the syllabus and subject details, resources, educational assessment and teacher profile associated with the Insurance Institute of East Africa (IIEA) and agree to the following recognition and pathway for IIEA graduates.

Pathway to ANZIIF Senior Associate CIP Membership

- IIEA graduates awarded with the International Diploma of Insurance from Cambridge International College are eligible to apply for ANZIIF Senior Associate CIP Membership without the requirement for any further examination

This accreditation will remain valid on the condition that IIEA will advise ANZIIF if and when there are any significant changes to the above-mentioned program to allow ANZIIF to reassess the membership and qualification recognition at that point in time.

ANZIIF sincerely looks forward to continuing to build a long-lasting and mutually beneficial relationship with IIEA. Should you require any further detail or have any questions, please feel free to contact the ANZIIF team at RPL@anziif.com.

Yours sincerely,

Arlene Tyler

Manager Accreditation & Pathways

ANZIIF

ISAIAH M. MANDALA
ADVOCATE
& Commissioner For Oaths
P. O. Box 46967/00100,
Nairobi
CERTIFIED TRUE
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① DDC
8
14/8/2024



REPUBLIC OF KENYA

THE NATIONAL TREASURY AND ECONOMIC PLANNING

Telegraphic Address: 22921
Finance - Nairobi
FAX NO. 310833
Telephone: 2252299
When Replying Please Quote:

THE NATIONAL TREASURY
P.O. Box 30007 - 00100
NAIROBI

Ref: TNT/CONF 9/012/A



13th August, 2024

Mr. Samuel Njoroge
Clerk of the National Assembly
National Assembly
NAIROBI

② Mr. Benjamin Mwangi
Pls TNA.
Dtd 15/08/24

Dear *clerk of NA*

RE: STAKEHOLDER'S ENGAGEMENT ON INSURANCE PROFESSIONAL BILL 2024 (NATIONAL ASSEMBLY BILL NO.13 OF 2024) BY THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

Reference is made to your letter Ref. NA/DDC/F&FP/2023/076 dated 5th August, 2024 requesting the National Treasury to make its submission on the Bill. We have reviewed the Bill have noted the following key concerns:-

1. Clause 4(2) Categories of membership in Insurance Institute of Kenya (IIK)

The membership of the Insurance Institute of Kenya has been limited to two categories namely fellows and associates. Other Corporate members and affiliates are excluded from membership in the Insurance Institute of Kenya (IIK) without any legal or policy justification. Diversifying membership is critical to an institution in the following ways:

- i. Insurance penetration as one of the key focus by GoK will be enhanced through public confidence in the service providers for the insurance sector
- ii. Market conduct standards can be enhanced if corporates and affiliates are bound by standards of practice/conduct;
- iii. Membership fees collected will support IIK's funding/income;

Exclusion of affiliate and corporate therefore is likely to stifle growth of the Insurance industry.

2. Description of IIK membership

Clause 4 provides that the membership of the Institute shall comprise members who have undertaken the Insurance Institute of Kenya examinations and Chartered Insurance Institute of London examinations. The National Treasury proposes that the membership of the Institute should be separated from the examination and examination bodies since the scope of IIK does not include examinations as described in clause 4.

While we recognise the historical link between the insurance sector and the Chartered Insurance Institute of London, it is our view that this recognition should not disadvantage other institutes offering professional insurance examinations, including Kenyan institutes, and current insurance practitioners who may not have undertaken the Chartered Insurance Institute of London examinations. It should be recognised that the education and training landscape has greatly advanced. Currently there are many institutions offering specialized courses such as insurance which should be given a level playing field in the market.

3. Institutional framework

The Bill proposes to have in the Institute both an Executive Director and a Registrar to head a Registration Committee being appointed by the Council. This may result to a conflict on separation of powers between the two since they are under the same appointing authority.

The Bill is silent on the sources of funding for the Examinations Board. In the absence of provision of sources of funding, this critical institution may lack the resources necessary to implement its mandate. The Bill should specify the sources of funding for the Examinations Board.

The provision for the Chairperson of the examination Board is provided in the schedules. Considering the significance of this function, we propose it be moved from the schedule to the main body of the Bill. and the staff of the Board to operationalize the Board.

4. Borrowing by the Insurance Institute of Kenya (IIK) and insurance Professionals Examination Board

Clauses 3(2) (c) and 16 (2) (c), gives power to the IIK and Insurance Professional Examination Board respectively, to borrow money. However, Section 51 of the Public Finance management Act, 2012 has provided for the manner in which public entities should borrow. We are therefore of the view that borrowing by the institute be left to provision of the PFM Act, 2012 and be excluded from this Bill.

5. Transition of insurance professionals to the new legal regime.

Clause 40 (1) provides for transition that "After the expiration of twelve months or such longer period as the Cabinet Secretary may declare, by notice in the Gazette after the

commencement of this Act, that no person shall practice as an Insurance Professional unless he or she is a holder of a practicing certificate that is in force”.

There is need to bring more clarity on the existing professionals and those who intend to join on the actual steps that would be taken for them to be admitted, including the development of an objective criteria for admission.

6. Fundamental rights and freedoms of witnesses in disciplinary proceedings-4th
Schedule Para. 8

We propose that this para. be deleted, bearing in mind that it is the Disciplinary Committee’s duty to prove a charge against an insurance professional. We further note that compelling witnesses to be sworn in or to answer questions at the Disciplinary Committee may possibly infringe on the rights of an individual as provided for in the Bill of Rights in the Constitution.

A detailed matrix of comments is hereby attached.

The purpose of this letter therefore is to submit our comments on the Insurance Professionals Bill for consideration.

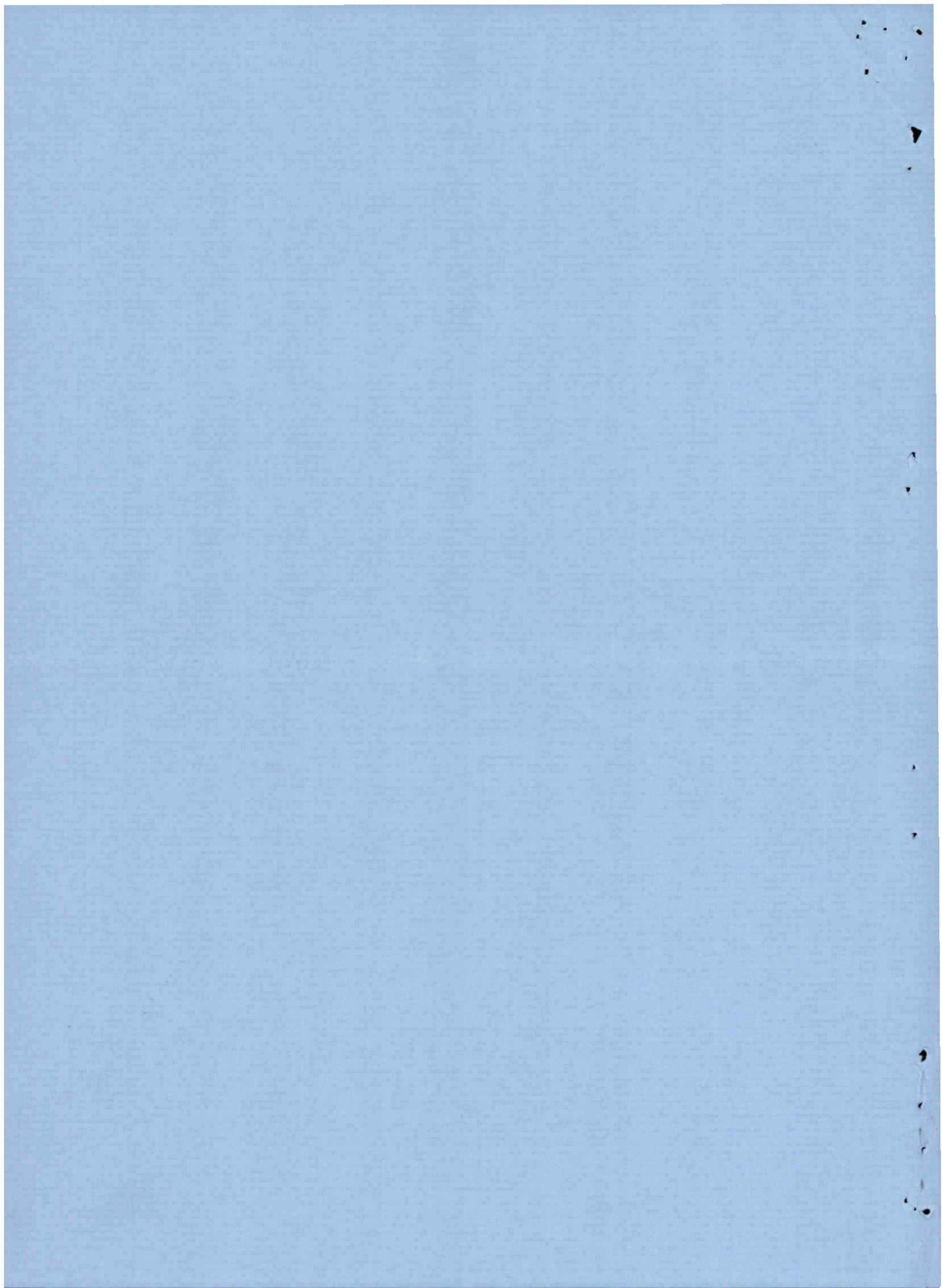
Yours

Sincerely



DR. CHRIS K. KIPTOO, CBS

PRINCIPAL SECRETARY/ THE NATIONAL TREASURY



(2) Mr. Benjamin Magut
Pls TNA. Dtd 14/08/24



INSURANCE INSTITUTE OF KENYA

College of Insurance, off Red Cross Road, Mombasa Road, Bellevue exit, South C
P.O. Box 1200 – 00200 Nairobi, 020-2330255 / 020-2330277 / 0735 350 450
www.iik.or.ke, email info@iik.or.ke or iiksecretariat@gmail.com

RELATIONSHIP BETWEEN IIK INSURANCE PROFESSIONALS EXAMINATIONS BOARD, AND VARIOUS INSURANCE STAKEHOLDERS AS ENVISAGED IN THE INSURANCE PROFESSIONALS BILL, 2020

A. INSURANCE PROFESSIONALS EXAMINATIONS BOARD AND INSURANCE INSTITUTE OF KENYA

The Insurance Professionals Bill, 2020 seeks to create two **INDEPENDENT** bodies i.e.

- I. Insurance Institute of Kenya
- II. Insurance Professionals Examination Board.

The independence of the two bodies is demonstrated in the Bill as follows:

1. Preamble

The preamble shows the intent of enacting any law. In this case, it states " An Act of parliament to make provision for the establishment of the **Insurance Institute of Kenya**, and the **Insurance Professionals Examination Board**....."

2. Composition of the respective boards.

IIK – With the exception of 2 representatives of Commissioner of Insurance and Cabinet Secretary respectively, all other members of the Council will be appointed by members of the Institute (Section 6)

Insurance professionals Examination Board - Out of the 9 Board members, only 2 are members of IIK. The others will be representatives of Cabinet Secretary for Education, Kenya Institute of Curriculum Development, Commissioner of Insurance, Commission for University Education, Association of Kenya Insurers (AKI), Association of Insurance Brokers of Kenya AIBK) and Office of Attorney General. (Section 17(1)).

3. Legal status

Each of these two bodies is a corporate entity as stipulated in Section 3(2) for IIK and 16(2) for Insurance Professionals Examination Board. This means that none of them is subordinate to the other.

4. Functions



Each of the 2 bodies has independent functions, and there is no overlapping of roles. For IIK, these functions are highlighted in Section 5, and include the following:

- Promoting standards of professional competence of the insurance professionals ;
- Member registration
- Research on insurance matters
- Publishing of books, journals, periodicals etc
- Coordination of Continuous professional development (CPD)
- Forum for networking

These functions are similar to all other professional bodies.

The functions of Insurance Professional Examinations Board are highlighted in Section 19(1). Some of the functions are:

- Prepare syllabuses for Insurance Professionals Examinations;
- Make rules with respect to Insurance Professionals Examinations;
- Issue certificates to candidates who have satisfied examinations requirements;
- Promote recognition of its examinations locally and internationally;

These functions can be compared with Section 17 of Accountants Act, pertaining to KASNEB, as shown below:

Section 17 of the Accountants Act : Functions of the Examinations Board

- (1) The functions of the Examinations Board shall be to—
 - (a) prepare syllabuses for professionals' and technicians' examinations in accountancy and company secretarial practice and related disciplines;
 - (b) make rules with respect to such examinations;
 - (c) arrange and conduct examinations and issue certificates to candidates who have satisfied examination requirements;
 - (d) promote recognition of its examinations in foreign countries;
 - (e) investigate and determine cases involving indiscipline by students registered with the Examinations Board;
 - (f) promote and carry out research relating to its examinations;
 - (g) promote the publication of books and other materials relevant to its examinations;
 - (h) liaise with the Ministry of Education in accreditation of institutions offering training in subjects examinable by the Board; and

do anything incidental or conducive to the performance of any of the preceding functions.

Similarly for the Human Resources Act, the functions of the Examinations Board are as stipulated in section 17 of the Act as follows:

- (a) ***prescribe and regulate syllabuses of instruction for human resource management professionals 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 Institute to support continuing human resource professional development; and*
- (k) do anything incidental or conducive to the performance of any of the preceding functions.*

This appears to be the practice for all professional bodies we have looked at.

5. **Funding of the bodies**

IIK – Funding shall be from member subscriptions, post-qualification trainings, seminars and other institute self-sustaining events. This is currently what the institute is doing. Section 45(2)(h) gives the Council powers to determine fees payable.

In addition, Section 40 of the Bill provides for funding of IIK from any monies appropriated by Parliament or any grants as may be recommended by the Cabinet Secretary and approved by Parliament. Section 8(c) of the Bill also gives the Council of the Institute power to “receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom.”

Insurance Professionals Examinations Board – In addition to examination fees which students sitting for examinations will be expected to pay, Section 40 also provides for the Board to be funded by the exchequer.

6. **Financial Accounting**

According to Section 41 of the Bill, IIK and the Insurance Professionals Examination Board are required to prepare **SEPARATE** annual audited accounts. According to Section 42 of the Bill, they are required to file their audited accounts to the Cabinet Secretary for Finance **SEPARATELY**.

B. INSURANCE PROFESSIONALS EXAMINATIONS BOARD AND COLLEGE OF INSURANCE

The functions of Insurance **Professionals** Examinations Board are highlighted in item 4 above. The Board is expected to offer professional examinations only. It is not expected

to offer examinations for such courses as Certificate of Proficiency (COP), which the College of Insurance currently offers.

A student who is trained and examined at College of Insurance (or any other training institution) may wish to be recognized as a professional in insurance. The student will be expected to sit for examinations as per the set curriculum. He/she may choose to study privately, or attend any college offering the course. The bench mark is against LSK where after graduating with LLB degree you are expected to move to law school and undertake KSL exams to be a professional. The same applies to ICPK and IIA after graduating with Finance degree for you to be a professional you have to undertake KASNEB Exams .its time to have CERTIFIED INSURANCE PROFESSIONALS.

It is expected that the College of Insurance will have a head-start in training of Insurance professionals, as it is well established in terms of infrastructure and personnel. In addition, it will continue training as it is doing, and offering examinations as they are currently doing. The only difference the Insurance Professionals Examination Board will bring once it is established is that the students from College of Insurance will not automatically be recognized as Insurance Professionals. The Board will require to review the qualifications against its set curriculum.

INSURANCE INSTITUTE OF KENYA AND INSURANCE TRADE ASSOCIATIONS

The Kenya insurance industry has the following associations:

1. Association of Kenya Insurers (AKI);
2. Association of Insurance Brokers of Kenya (AIBK)
3. Association of Kenya Professional Insurance Agents (AKPIA)
4. BIMA Intermediaries Association of Kenya

In addition, the insurance industry has the following associations for service providers providing auxiliary services, Including:

1. National Association of Kenya Investigators (NAKI)
2. Institute of Loss Adjusters and Risk Surveyors (ILARS)
3. Motor Assessors Association of Kenya (MAAK)

Some of the players in these associations are members of Insurance Institute of Kenya **in their personal capacity**, by virtue of their qualifications in insurance as either associates or fellows of Chartered Insurance Institute (CII) of London or other recognized qualifications. Indeed, some of them have served in the Executive Council, including Director of the institute (e.g. Mr. Gabriel Karungu, Mr. Onuong'a Maragia, Mr. George Macharia, among others).

Membership to Insurance Institute of Kenya is open to members in their personal capacity. Associations (e.g. AKI, AIBK, AKPIA etc) are not eligible to join. However, individual employees are eligible to be admitted once they meet the set criteria.

SUMMARY

As insurance professionals we applaud the role the College of Insurance has played over the many years it has been in existence, in terms of:

1. Offering affordable courses to local students;

2. Unlike earlier days, students pay in local currency, thus reducing foreign currency drain;
3. Offering courses which are relevant to local needs of the industry;
4. Offering employment to local personnel Etc.

We cannot take the role of College of Insurance in development of the insurance industry for granted.

However, we are also cognizant of the fact that as a body of insurance professionals, we have a responsibility to benchmark ourselves not only with other local professionals, but also international best practice.

Thank you. It's my humble submission that as an Industry we shall all support the bill.

Yours faithfully



Alice Njoroge

DIRECTOR
INSURANCE INSTITUTE OF KENYA

INSURANCE INSTITUTE OF KENYA

College of Insurance, off Red Cross Road, Mombasa Road, Bellevue exit, South C
P.O. Box 1200 – 00200 Nairobi, 020-2330255 / 020-2330277 / 0735 350 450
www.iik.or.ke, email info@iik.or.ke or iiksecretariat@gmail.com



INSURANCE PROFESSIONALS BILL. 2024

INSURANCE INSTITUTE OF KENYA (IIK)

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Mandate of the Insurance Institute of Kenya:

1. Develop professional standards and benchmarks;
2. Train, examine, certify and enhance continuous development;
3. Regulating professional conduct through reward and censorship;
4. Provision of professional research, exchange of ideas, advocacy and communication;
5. Publication of professional papers, text books and journals.

JOURNEY TOWARDS LEGAL RECOGNITION

Despite having been in existence for over seventy (70) years, IIK has so far not received legal recognition, by way of an Act of Parliament. This has hindered the institutes from effectively executing its mandate.

IIK embarked on the journey towards attaining legal recognition in 2002. Despite all the challenges it has faced along the way, the Insurance Professionals Bill finally progressed to third reading in Parliament in 2022. The Bill was sponsored by a private member, Hon. Benjamin Washiali. Unfortunately, President Uhuru Kenyatta did not assent the Bill, thus it was not passed into an Act of Parliament.

In 2024, the bill was reintroduced in parliament as a Government Bill, under the Finance and National Planning Committee, chaired by Hon. (CPA) Francis Kuria Kimani. It has since gone through the first reading, and we hope that it shall sail through the second reading by end of May this year.

THE PROBLEMS/ISSUES THAT THE BILL SEEKS TO ADDRESS

The reputation of the Insurance Industry – The insurance industry has for a long time been referred to as the Industry where “quacks” are allowed to operate, and this must come to an end.

How will the bill curb this?

Part VI and VII of the bill address the issue of registration of professionals, and issuance of practising certificates, as well as disciplinary actions to be taken in cases of professional misconduct. The appeal process is also addressed where a member feels that he/she was

not fairly treated. This is what happens with other professional bodies e.g. ICPAK, LSK, among others.

Insurance fraud./mis-selling/misrepresentation/gross misconduct. - This has been a major challenge in the insurance industry, and has contributed (to a large extent), to the negative perception the public has towards insurance. No wonder, insurance penetration has over the years remained very low. Further, the industry continues to register underwriting losses, especially in Motor business.

The bill will address this issue under Part VII. Clause A to Q details all the issues that constitute misconduct. Clause 32 details the members of the disciplinary committee who are drawn from all the stakeholders of the Industry ie AKI,AIBK,BAC,AKPIA as long as they are members of the Institute. The Commissioner of Insurance, or his appointed representative, shall be a member of the committee. In addition, the Cabinet Secretary of Treasury and National Planning shall appoint two (2) people to represent the public.

Lack of recognition of the Insurance professional – Currently, the insurance professional has no legally recognized title. As such, he/she cannot give a legally binding expert opinion in court. We therefore rely on the legally recognized professionals.

Once this bill is passed into an Act of Parliament, insurance professionals will be able to register as Insurance consultants. They will be issued with practicing certificates. They will be able to authoritatively give expert opinions, including in a court of law, just like lawyers and accountants. Clause 30 under registration allows use of the title "Insurance Professional", which is currently not possible.

CONCLUSION

Without a doubt, the Insurance Professionals Act is long overdue. It will certainly bring back the glory and respect of the insurance industry. Members of the public will feel comfortable entrusting their insurance needs to professionals operating in the industry. The insurance profession will also be a profession of choice for our young people joining institutions of higher learning. Employers will feel confident that their employees have a professional body that holds them to account. Further, the professional himself will be proud to belong to a reputable, high performing profession.

It is our desire that you share our aspiration of repositioning our industry to its original glory. We are therefore counting on your support to make this dream a reality.

ALICE NJOROGE

DIRECTOR – INSURANCE INSTITUTE OF KENYA

April 29, 2024



INSURANCE INSTITUTE OF KENYA

College of Insurance, off Red Cross Road, Mombasa Road, Bellevue exit, South C
P.O.Box 1200 – 00200 Nairobi, 020-2330255 / 020-2330277 / 0735 350 450 www.iik.or.ke, email
info@iik.or.ke or iiksecretariat@gmail.com

MINUTES OF THE IIK STAKEHOLDERS ENAGEMENT HYBRID MEETING HELD ON MONDAY 13TH MAY 2024 FROM 9:00AM AT THE EDGE CONVENTIONAL CENTRE

THE ATTENDEES ATTACHED

In Attendance

1. Mary Waweru - IIK Secretariat
2. Nancy Musili -IIK Secretariat
3. Gideon Gachie – IIK Secretariat

The Meeting was called to order by the Director at 10:20pm with a word of prayer by Agnes Macharia

AGENDA

- 1.IIK Insurance professional Bill.

<u>AGENDA</u>	<u>DISCUSSION</u>	<u>RESPONSIBILITY</u>
Agenda 1.IIK Bill 2. Confirmation of minutes of meetings held on 21.02.2024 and 15.03.2024 Agenda 3 Matters Arising / Action Items	<p>The Director took members through the Bill and citing the importance of a regulation for the professionals. The journey to the bill began in 2002.</p> <p>In 2019 the journey began through private member bill and in 2021 to 2022 reached the presidential ascent whereby it was not ascended to.</p> <p>In 2023 the journey began again, and we got the chair for government finance committee Hon. Moses Kimani who took the bill as government bill and on 31st March the Bill went through the first reading.</p> <p>The bill will curb among others Misrepresentation, the quacks etc. under part 7 clause A-Q</p> <p>The insurance institute of Kenya and Insurance professionals examinations body where they will both be a corporate independent body.</p> <p>Funding -This is a finance Bill This means that the funding is from the public and the Government and NOT from the Insurance companies.</p> <p>The Institute until today has been registered as a society and thus the importance of the Bill .</p>	IIK Director

	<p>Purpose of the bill To establish IIK as a legal Body Role of the Examination body Regulation of Insurance professional -Entry & Discipline Funding from member subscriptions, trainings, seminars and potential grants.</p> <p>PRESENTATIONS</p> <p>1. IRM Their submission is for them (IRM) be recognized as a part of the professionals so that they can have an input. In support of the Bill.</p> <p>2. KWIIN -by Catherine Wahome In support of the bill especially to eliminate Quacks in the Industry. The request is after the bill we push for the Insurance be taught at the secondary school.</p> <p>3. COLLEGE OF INSURANCE -They have done submission have already been done. The College has been there. ITET has been created to examine, train and examine and this has been there. -There is need to clarify on the issues like the certificates that has already been issued or enter an MOU like the case of CII. -There is an overlapping of duties like the Exams which are being run by the College and at the same time the Bill also has an examination Board, doesn't this overlap with what the college are doing. -The ITET should be mentioned in the Bill same as college which has been serving the industry. -Section (4) talks about accrediting the institutions that offer Insurance. This is one of the reasons why the bill was taken back to the parliament by the President, So there is need to consider that which was recommended. -Funding bit is also contradicting in that the Bill is said to be independent, yet the Bill says that part of the funding will be done by the public, but with this there is no Independence.</p> <p>4. AIBK -The Insurance professionals Bill is a good thing however, for the posterity let the bill address the issues raised by College of Insurance. It will be a bad thing to kill this Institution that has already been in existence and served the industry. -The request to the council is that the CPD should be for all the members be considered i.e. the sector players be involved.</p>	<p>Benard Kithinji</p> <p>Catherine Nyagah</p> <p>Catherine Wahome</p> <p>Beatrice Onduso</p> <p>Antony Mwangi</p>
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-The sector players are omitted in a very critical area of the Council. This should capture all the players in the industry. ie the industry players who are recognized by the industry.

Finance Bill -It was reported that this is a finance bill which will be funded by the Government. The monies can be raised through the membership fees, donations, seminars etc .This will now make the other stakeholder's AIBK ,AKPIA ,etc value to go down who depends on the diminish .

-Practicing certificates -This can be abused; the proposal is that any person who feels discriminated should be allowed to move to the High Court of Kenya and have their matter heard.

-The Bill seem to exclude the foreigners who are working in the country, this be considered for their inclusion.

-The urge is for IIK to register only professions so that we don't allow the invaders into the industry.

All in all, AIBK supports the Bill subject to the above amendments.

5. BANCAASSURANCE

The bancassurance representative confirmed that they are in support of the Insurance Professionals Bill.

6. INSURANCE INST OF EAST AFRICA

-Areas for consideration

1. Only two professions bodies have been mentions ie. ACII and AIIK. There is need to recognize the Australia body which has been in existence for over 140 years and operates in more than 50 Countries.

-The Insurance Institute of East Africa need also be recognised in the Act which is examined by University of Cambridge.

-In support of the bill subject to the above amendments.

7. KETRACO

-There is a lot of potential out there only that the public doesn't have the information. She began sharing the information about information on insurance just to sensitize the public on the things to look for when purchasing an insurance policy .

Maureen Wairimu

Elijah Mogire

Joyce Agoye

8. INSURANCE REGULATORY AUTHORITY

Framework on how the professional bodies work

The Insurance is a unique in that the other professional bodies start with the legal framework even before existence unlike the insurance professional.

Examples – ICPAK, LSK

Most of the professionals' bodies require that the professionals get the training them are examined from a central body.

-Practicing certificate -IRA will continue issuing the operations certificate because its their mandate to do so.

-There is need to explore how open up for the foreigners for them to be in support of the national convention centre requirement.

Diana Sawe

Anne Chelagat

CONCLUSION

-In future the Authority may seek to have a separation of insurance in higher learning levels but currently there is bit of insurance in the curriculum.

Definitions -Some stakeholders have been defined but not mentioned in the Bill and see that they are mentioned in the Bill .

Vote of Thanks and prayer

Vote of Thanks and prayer at 14:21 pm

Maureen Wairimu

Minute Taking

Nancy Musili

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It is our desire that you share our aspiration of repositioning our industry to its original glory. We are therefore counting on your support to make this dream a reality.



ALICE NJOROGE

DIRECTOR – INSURANCE INSTITUTE OF KENYA

April 29, 2024

INSURANCE TRAINING & EDUCATION TRUST

College of Insurance
P.O. Box 56928- 00200, Nairobi, Kenya
Tel: 020 - 2325785/2325881/2329493/2619242
Mobile: 0722 509759, 0734 600320
Red Cross Rd. South C



12th August 2024

Committee Clerk
The National Assembly
Parliament Building
P.O. Box 41842-00100
NAIROBI
Email: cna@parliament.go.ke

(Att. Mr. Benjamin Magut)
Email: benjamin.magut@parliament.go.ke

(1) DDC
(2) Mr. Benjamin Magut
14/08/24

Pls TNA

DM
14/08/24



Dear Sir,

RE: SUBMISSION ON INSURANCE PROFESSIONAL REGISTRATION BILL 2024 - SPONSORED BY INSURANCE INSTITUTE OF KENYA (IIK)

We refer to your letter dated 5th August 2024 and wish to submit as follows:-

The Insurance Training and Education Trust (ITET) was established in 1988 under the Perpetual Succession Act Cap 164 of the laws of Kenya. The Trust was set up by stakeholders in the insurance industry primarily to set up and manage an institution for educating and training personnel for the insurance industry. The primary mandate of the Trust according to the Trust deed is to establish and manage an institution for educating and training personnel in the industry. The secondary mandate is advancement of education in the field of insurance.

ITET Composition

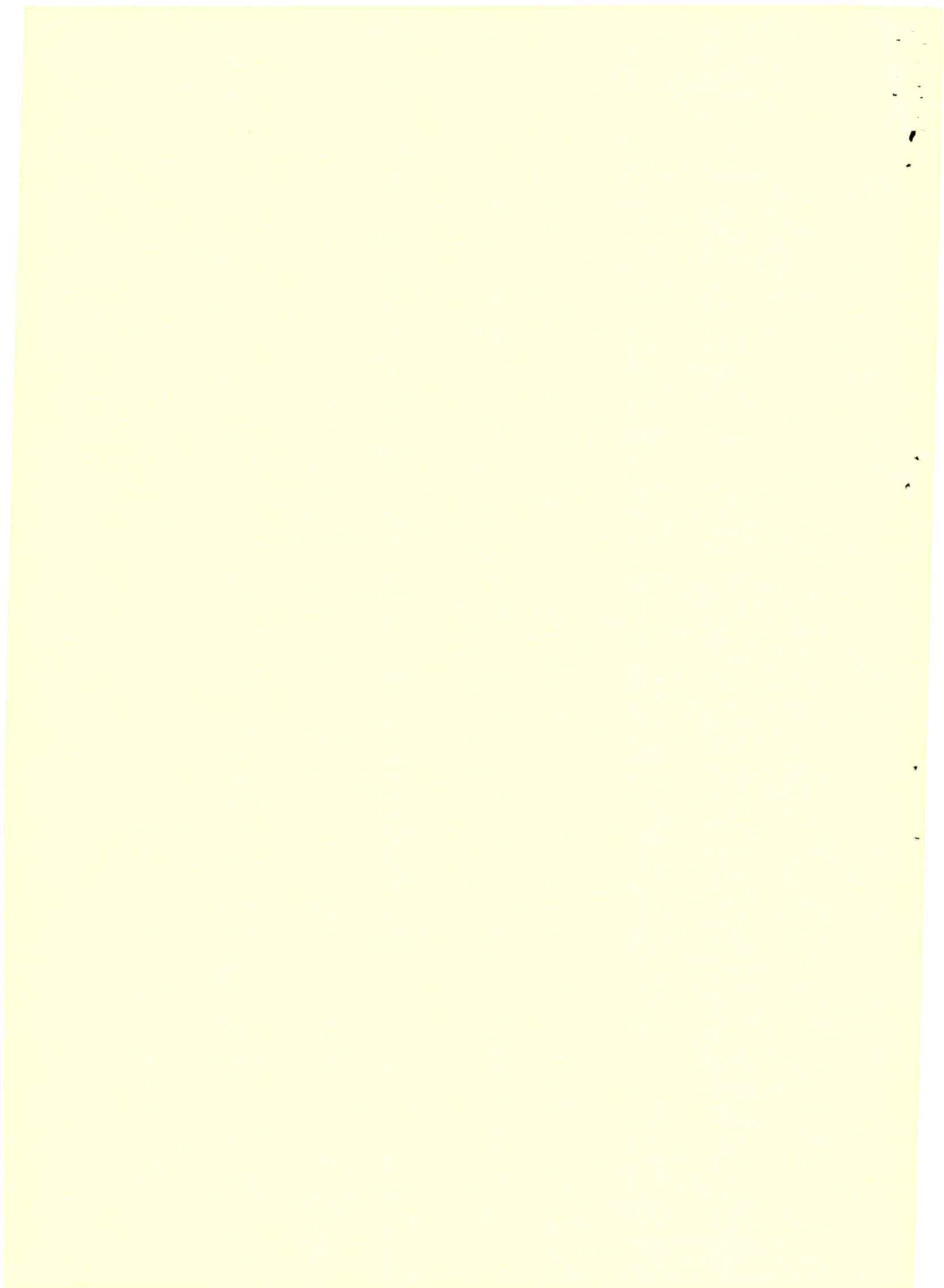
The mandate of ITET and the College of Insurance (COI) encompasses the development of insurance training and education which was started in 1988. Insurance (Amendments) Act 1993 provides the mandate and functions of ITET and COI. ITET is owned by the insurance industry through the following key stakeholders who are also members of its board:

1. Insurance Regulatory Authority (IRA)
2. Association of Keya Insurers (AKI)
3. Insurance Institute of Kenya (IIK)
4. Association of Insurance Brokers Kenya (AIBK)
5. Association of Kenya Reinsurers (AKR)
6. Retirement Benefits Authority (RBA)
7. Institute of Loss Adjustors, Assessors and Risk Surveyors (ILARS)
8. Two independent trustees
9. Chair of the Examinations Council



Trustees: Messrs Dr. Patrick Tumbo (Chairman), Nelson Omolo (Vice Chairman), Dr. Ben Kajwang (Director/CEO), James Oyugi, Anthony Mwangi, Prof. Patrick Digolo, Jadhah Mwarania, Agnes Macharia, Stephen Kiarie, Commissioner of Insurance, Retirement Benefits Authority, Capital Markets Authority

BK



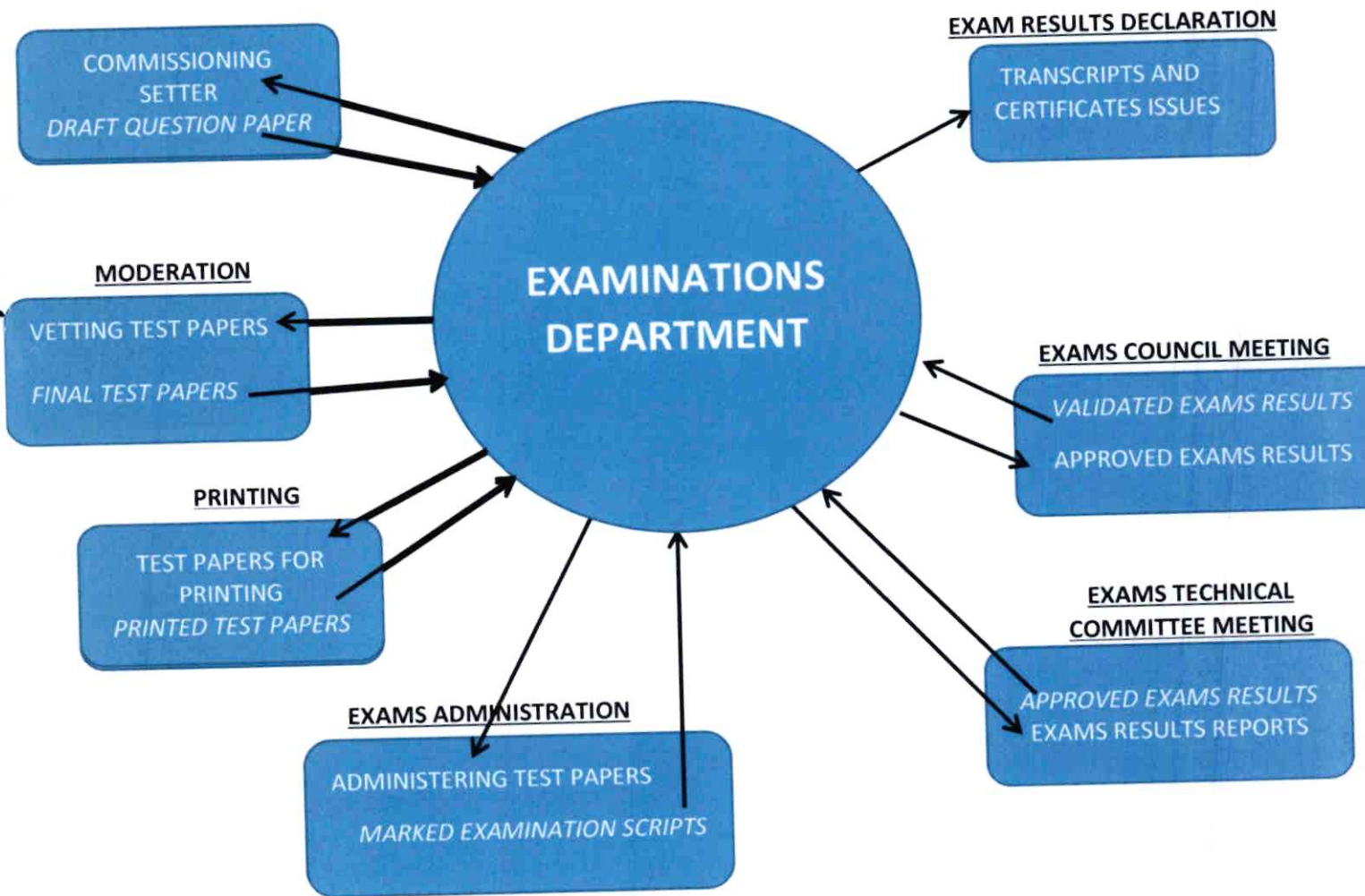
ITET and COI provide insurance training services. Since its establishment in 1988, ITET and COI have been responsible for pre-qualification insurance training initially for Chartered Insurance Institute (CII) - Britain and in 1996 the local insurance curriculum and certification. COI certification has been the platform used by the Insurance Institute of Kenya (IIK) for admission of such qualifiers into its membership. ITET and COI initiated insurance training and certification in Kenya and have systematically nurtured the development of over 30,000 qualifiers to date.

EXAMINATION GOVERNANCE

Assembly line for examinations production and processing

EXAMS. ACTIVITY	EXAMS. OUTPUT	TOOLS FOR EXAMS. CONTROL MECHANISM
Setting	Draft Question Papers	<ul style="list-style-type: none"> ➤ Syllabuses ➤ Tables of Specification ➤ Past Papers
Moderation	Final question Papers	<ul style="list-style-type: none"> ➤ Syllabuses ➤ Tables of Specification ➤ Past Papers
Invigilation	<ul style="list-style-type: none"> ➤ Examination's Scripts ➤ Invigilation Reports 	Examinations Rules: <ul style="list-style-type: none"> ➤ Invigilators ➤ Presiding Officers ➤ Monitors
Marking	<ul style="list-style-type: none"> ➤ Candidates Scores ➤ Chief Examiners' Reports ➤ External Examiners' Reports ➤ Examinations Analysis Reports 	<ul style="list-style-type: none"> ➤ Marking Schemes ➤ Marking Rules <ul style="list-style-type: none"> ○ Examiners ○ Chief Examiners ○ External Examiners
Examinations Results Validation	<ul style="list-style-type: none"> ➤ Validated Examinations Results ➤ Grade Boundaries Set 	<ul style="list-style-type: none"> ➤ Chief Examiners' Reports ➤ External Examiners' Reports ➤ Invigilation Reports

EXAMINATIONS DEVELOPMENT, ADMINISTRATION AND VALIDATION MECHANISMS



EXAMINATION ORGANS

The Examinations Department:

This is the administrative center of the College examinations. It coordinates the implementation of College examinations policies and strategies. It ensures the administration of all aspects of examinations programs are accomplished within the required timelines. The department works closely with other departments and persons outside the College for efficient quality management of examinations process without compromising the examinations credibility.

Subject/Course Panels:

These are few in number and are usually grouped into related subject. Membership of the panels includes subject experts from amongst the practitioners.

BK/

Moderation Panels

These are ad hoc panels set up to oversee the examination paper development for a particular course unit.

Examinations Technical Committee:

This is a technical committee made up of heads of departments and Chief and External Examiners and is chaired by the Director. It handles all examinations issues whether technical or otherwise and makes appropriate recommendations to Examinations Technical Committee, Examinations Council and other organs below it.

Examinations Council:

This is the body charged with the responsibility of developing policy framework and strategies for the management of College of Insurance examinations. The tasks related to these functions include:

Mandate

The Council discharges its mandate through meetings. In such meetings the Council deliberates on issues brought to it by the Examinations Technical Committee by way of resolutions or recommendations or initiated by the Council. The Council has to discuss such resolutions/recommendations or other issues and make a judicious decisions after establishing sufficient ground.

Composition

The council is composed of insurance stakeholders as follows:

1. Insurance Regulatory Authority (IRA)
2. Association of Keya Insurers (AKI)
3. Insurance Institute of Kenya (IIK)
4. Association of Insurance Brokers Kenya (AIBK)
5. Association of Kenya Reinsurers (AKR)
6. Retirement Benefits Authority (RBA)
7. Institute of Certified Professional Accountant of Kenya (ICPAK)
8. Kenya Institute of Curriculum Development (KICD)
9. Kenya School of Monetary Studies (KSMS)
10. Ministry of Education Science and Technology (MOEST)
11. Chair from a University

EXAMINATION RESULTS PROCESSING AND VALIDATION

The examinations Administration Section is responsible for processing candidates' raw marks/ scores achievement in each paper examinations grades that generate examinations results. This exercise is undertaken procedurally. It involves verification of mark sheets, compilation and ranking of scores, analysis of scores and performance. A report on analysis of results is prepared for use by the relevant organs. *This document is strictly confidential and may only be accessed by the by Examinations staff.*

BK

PROCESSING OF EXAMINATIONS MARKS

EXAMINATIONS RESULTS VALIDATION

This is carried out in two levels – Examinations Technical Committee and Examinations Council.

CONTESTED EXAMINATIONS RESULTS

Certain examinations results may be contested by some candidates. This is within their democratic rights to challenge the results they are not comfortable with.

HANDLIND DISCIPLINE CASES

In case of cancelled results, the Council's decision may include further investigations by relevant body with specific terms of reference.

EXAMINATIONS IRREGULARITIES

Examinations irregularity is a behavior or action that is not in conformity with the prescribed examinations rules and regulations.

EXEMPTIONS RULES AND REGULATIONS

The College of Insurance is keen to accommodate students who wish to migrate from other professions or training into its programs.

Mandate of Professional Bodies

Professional bodies worldwide have common mandates and functions. Their mandates generally rotate around safeguarding of their members welfare. They operate more or less like clubs with rules and regulations governing the conduct of their members. Most of them have developed codes of ethics to govern the conduct of their members.

Professional bodies like **Law Society of Kenya (LSK)** perhaps the oldest one operates as follows:

- **Sanity in the conduct of legal practice for lawyers:** Ensuring that lawyers carry out their legal practice in accordance to the prescribed ethical practice as required by Code of Conduct and legislation.
- **Protecting interests of members:** The Society ensures that the welfare /interests of members are safeguarded in terms of fair representation, better terms of service/remuneration etc.
- **Licensing members:** LSK is privileged to be issuing practicing licenses to their members who meet certain professional criteria – based on criteria as prescribed by legal practice.
- Carrying out **Continuous Professional Development.** LSK organizes periodic training workshops, seminars and dinners for its members to appraise them on emerging

issues within the legal profession. It is further used as one of the requirements for renewal of legal practicing license.

Pre-service training and certification of lawyers before they are allowed to practice rest with other independent bodies with relevant statutes such Council for Legal Education. There is no professional bodies of best practice that is granted powers as it is envisaged in the Bill. The LSK model more or less similar to the Institute of Certified Public Accountants Kenya (ICPAK, Engineering Board among others are best examples for effective professional bodies that should be emulated.

SUMMARY OF MANDATES OF SAMPLE PROFESSIONAL INSTITUTES

Professional institutes	CPD	Registration of members	Licensing	Accreditation function	Examination and certification function	Pre- service Training function
Lawyers- LSK	yes	Yes	Yes	No	Council of Legal education	University & Kenya School of Law
Medical and Dentist Practitioners Board	Yes	Yes	Yes	No	University	University
Engineering Board of Kenya	Yes	Yes	Yes	No	University	University
ICPAK	Yes	Yes	Yes	No	KASNEB	Open
IJK	No	Yes	No	Seeking	Seeking	Seeking
Medical Laboratory practitioners Board	Yes	Yes	Yes	No	University/TVET institutions	University/TVET institutions
Pharmacy Practitioners Board	Yes	Yes	Yes	No	University/TVET institutions	University/TVET institutions
Marketing Society of Kenya	Yes	Yes	No	No	Yes	No
Kenya Institute of Bankers	Yes	Yes	No	No	No	No
Institute of Surveyors	Yes	Yes	Yes	No	No	No

IJK like any other professional bodies should stick and concentrate on its mandate and functions. From the sample of professional bodies in Kenya illustrated above it is only IJK that is attempting to get involved in the functions that is not performed by other similar bodies. What therefore makes IJK unique from the rest including the oldest one? The Bill intends to create a body by undertaking the following tasks:

- Design and develops curriculum to train the potential members.
- Examine and certificate such potential members
- Accredite training providers for potential members
- Develop and publish text books for potential members
- Register members
- Protect the welfare of its members
- Carryout CPD to its members
- Discipline and reward members

BK/

The scenario above portends that insurance professionals are baked by IIK related, examined and certified IIK or its organs, registered by IIK, protected by IIK, developed by IIK and finally disciplined by IIK. Everything for insurance professionals starts and ends with IIK offices – **a terrible inbreeding scenario.**

A professional body like IIK and its organs, **a single entity to be vested with such enormous powers as to control potential members' pre-service training up to their professional practice and membership as envisaged in the Bill is a very dangerous piece of legislation.** Ideally such powers must be **distributed to other entities for meaningful governance accountability.**

Summary of Insurance Training Institutes and Professional Bodies.

Country	Training Institutions	Professional Bodies
South Africa	University of South Africa (UNISA)	Insurance institute of South Africa (IISA) admits persons who have met the minimum insurance qualification in insurance units from various training providers such UNISA etc. IISA does not conduct training nor award insurance pre qualifications certification.
Zambia	Zambia College of Pensions and Insurance	Insurance Institute of Zambia
India	National India Academy	Insurance Institute of India (III)
Nigeria	College of Insurance and Financial Management	Chartered Institute of Insurance Nigeria
Uganda	Insurance Training College	Insurance Institute of Uganda
Ghana	Ghana Insurance College	Chartered Institute of Insurance Ghana

We pride ourselves to have trained in East Africa and the wider Africa Region. A survey conducted by Price Water House (PWC) London in year 2015 and commissioned by the Africa Insurance Organization (AIO) ranked the College of Insurance in position one, a position it has maintained to date.

The College of Insurance has provided capacity building programs through its courses / trainings for various clients all over Kenya and across Africa. Local clientele includes the Insurance Regulatory Authority, Insurance Companies (both life and general), Re-insurance Companies, Insurance Brokers, Re-insurance Brokers, Loss Adjusters, Risk Surveyors, Actuaries, Motor Assessors, Insurance Agents, Banks (Banc Assurance) and Risk Managers. Training officers dealing with insurance matters from Government Authorities, the Police Service, Champions trainings in the Counties, private and commercial companies, parastatals and state corporations, and industrial organizations among others. Clients from outside Kenya include insurance authorities from the COMESA region, United Nations (AMSCO), Africa Insurance Organization – AIO, Organization of Eastern and Southern Africa Insurers - OESAI, regional insurance companies, government agencies and state corporations. Since inception, the COI has trained 20,000 insurance agents and 5,500 insurance professionals in Kenya and across the region on insurance related courses.

BK/

In 2011, The College partnered with the Retirement Benefits Authority (RBA), Humber College Institute of Technology & Advanced Learning (Canada) and Association of Retirement Benefits Authority to develop the Trustee Development Curriculum to be used for the training of various categories of people involved in handling pension funds. It is within the mandate of the Retirement Benefits Authority to regulate and supervise the establishment and management of retirement Benefits schemes, protect the interest of members and sponsors of retirement Benefits schemes, promote the development of the Retirement Benefits industry and implement all government policies relating thereto. It is on this basis that this curriculum was developed. This curriculum is used in enhancing the capacity of retirement benefit schemes to comply and uphold all aspects of pensions fund management in order to protect the interest of members and sponsors of schemes.

Since inception of the program, the College has trained approximately 6,000 Trustees who have and continue to contribute to the development and growth of the pensions sector.

Further, the College has partnered or collaborated in major Capacity Building initiatives with some accomplished and others ongoing as below:-

1. World Bank's Agricultural Risk Management Team (ARMT) partnered with the College of Insurance in Kenya to assist them in delivering index-based weather insurance training on an on-going basis to the Eastern and Southern African insurance sector. The design and delivery of the training course was funded by the European Union's All ACP Agricultural Commodities Programme (AAACP). The Program has so far trained over 50 participants in each EAC partner states.
2. College in collaboration with USAID/COMPETE and other global stakeholders embarked on the development of Regional Certificate in Agricultural Insurance program. This program was to be used in building the capacity of insurance companies and other related agencies to provide comprehensive insurance products in the Agricultural sector that can mitigate risks associated with it. The College is provided leadership in the development and implementation of the program, launched in Kenya and later rolled out to other countries within the COMESA and sub-Saharan region. We have trained over 100 students in this program spanning the Eastern Africa Region.
3. The East Africa Community – EAC partnered with the College of Insurance to carry out a study on a harmonized Curriculum in Insurance for the EAC partner states. This assignment was completed and the College, through funding from the EAC, has assisted Rwanda, Uganda, Burundi and Tanzania in implementing the ratified curriculum.
4. The East Africa Community Collaborated with the College to carry out a capacity building assignment for Training of Trainers the EAC partner states. This was done in readiness of the curriculum rollout.

BX

5. Africa Management Services Company – AMSCO, a capacity building arm of UNDP, partnered with the College of Insurance to train the Region on Insurance matters. This program trained participants in Zambia and Uganda.
6. The Kenya Maritime Authority – KMA, partnered with the College to strengthening capacity in Maritime Insurance not only in Kenya but in East Africa. This training has been, and we continue to deliver it using facilitators from KMA, KRA, IRA and COI. We have trained over 500 students in this program.
7. IRA Champions and Focus Groups Training - The Insurance Regulatory Authority partnered with the College to ensure that the wellbeing and prosperity of every Kenyan is adequately secured through the use of insurance. This goal was achieved through the Authority Established Consumer Education Section in 2010 with the mandate to create public awareness about the needs and benefits of insurance among Kenyans. The Authority developed the Focused Groups and Insurance Champions Training Program to train key leaders in the Counties who in turn were expected to disseminate the information learned as well as create insurance awareness within their communities/networks and come up with other initiatives to enhance insurance awareness in the Counties. So far, we have trained over 3,000 participants.
8. IRA Insurance Fraud Investigation Unit – IFIU Capacity building training - The Authority partnered with the College to undertake an induction training for IFIU officers in August, 2018. We have trained over 100 officers.
9. IRA Executive Certificate of Proficiency - ECOP - The IRA partnered with the College to develop the ECOP curriculum and training program with an objective training at least 100 residents in each of the 47 counties to qualify as insurance sales agents. This was done for the 47 counties and ended up with more than 5,000 qualified agents. The program is still going on for the industry.
10. The Unclaimed Financial Assets Authority (UFAA) partnered with the College in inducting and certifying their Trustees through the College Trustee Development Program by Retirement Benefits Authority.
11. Induction programme for the Civil Servant Superannuation Pension Fund through certification using the College Trustee Development Program by Retirement Benefits Authority.
12. Global University of Malaysia, INCIEF partnered with the College in training Takaful related courses in Insurance. We have several Takaful training with over 500 participants having gone through their courses.

With this huge contributions ITET/College of Insurance has made to the Insurance and Pension Industry, we cannot purport to create new institutions for pre-service training,

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therefore the sections relating to training examinations and certifications should be expunged from the document because these are mandates of the College of Insurance and have been ably addressed.

Further, apart from the College of Insurance being a main Stakeholder, which was left out in your correspondence, the other main Stakeholders left out but very critical are:-

- i) The Institute of Loss Adjusters and Risk Surveyors (ILAR)
- ii) Retirement Benefits Authority (RBA)
- iii) Association of Kenya Reinsurance (AKR)
- iv) Association of Banassurance of Kenya (ABK)

The human capacity development of all the above Institutions are done by the College of Insurance.

Yours faithfully,


Dr. Ben Kaiwang, PhD, ACII(UK), AIRM(UK), FIU, FIK, CPT, Chartered Insurer, Risk Mgt. Consultant
DIRECTOR/CEO



ASSOCIATION OF KENYA
PROFESSIONAL INSURANCE AGENTS (AKPIA)

Connect | Insure

① DDC
8
14/08/21
② Mr. Benjamin Magut
Pls ZNA: DM/14/08/24

Phone: (254)722 524 335

Email: info@akpia.co.ke

Web: www.akpia.co.ke

5th Floor, Kose Heights
Argwings Kodhek Rd
Hurlingham Nairobi Kenya

P. O Box 27065-00100 Nairobi

OFFICE OF THE CLERK OF THE NATIONAL ASSEMBLY,
THE NATIONAL ASSEMBLY,
PARLIAMENT BUILDING,
P.O. Box 41842-00100,
NAIROBI.
E-mail: cna@parliament.go.ke



Att: Mr. Benjamin Magut
(Email: Benjamin.magut@parliament.go.ke)

Dear Sir,

RE: SUBMISSIONS ON THE INSURANCE PROFESSIONALS BILL 2024 – SPONSORED BY THE INSURANCE INSTITUTE OF KENYA

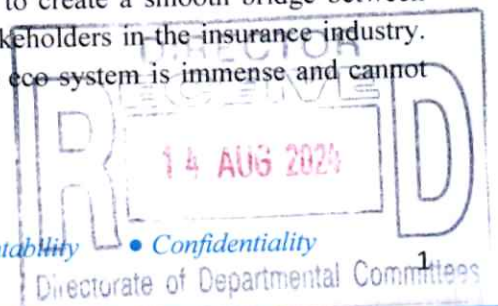
We refer to the above matter.

In response to your invite Ref.L NAD/DDC/F&NP/2023/76 to submit comments on the **Insurance Professionals Bill 2024** we, the **Association of Kenya Professional Insurance Agents (AKPIA)**, being a stakeholder in the insurance industry and a potential member of the **Insurance Institute of Kenya and the Insurance Professionals Examinations Board created under the Insurance Professionals Bill 2024** humbly forward our submissions on the Bill under discussion before the Committee on Finance and National Planning of the National Assembly. We believe it is appropriate to provide a brief background of AKPIA and The College of Insurance (COI), their legal framework and operations structures purposely to help the Committee understand pertinent issues pertaining to insurance training and certification in Kenya as currently established.

I. Background

The **Association of Kenya Professional Insurance Agents (AKPIA)** is a membership-based Association that strives to promote and serve the interests of its members who are more than 13,500 Insurance Agents of all levels in Kenya. Insurance agents play an important role in the insurance ecosystem and industry value chain and thus, AKPIA acts as the spokesperson and representative of the agency force in the Kenyan insurance industry as it seeks to create a smooth bridge between consumers, the Government, the Underwriters and all other stakeholders in the insurance industry. The role and participation of insurance agents in the insurance eco-system is immense and cannot therefore go unrecognized .

- Professionalism
- Respect
- Integrity
- Accountability
- Confidentiality



The mandate of the College of Insurance (COI) which was started in 1988 encompasses the development of insurance training and education. Additionally, the College of Insurance certifies insurance agents while the *licensing of insurance agents is being conducted by the Insurance Regulatory Authority (IRA) as provided for under section 19 of the Insurance Act Cap 487 Laws of Kenya*. Since its establishment in 1988, the COI has been responsible for the pre-qualification insurance training which was initially under the Chartered Insurance Institute (CII) - Britain and in 1996 the local insurance curriculum and certification. COI certification has been the platform used by the Insurance Institute of Kenya (IIK) for admission of qualified individuals into its membership. The **Insurance Training and Education Trust (ITET)** and COI initiated insurance training and certification in Kenya and have systematically nurtured the development of over 40,000 members to date.

ITET is owned by the insurance industry through the following key stakeholders who are also members of its board:

1. Insurance Regulatory Authority (IRA)
2. Association of Keya Insurers (AKI)
3. Insurance Institute of Kenya (IIK)
4. Association of Insurance Brokers Kenya (AIBK)
5. Association of Kenya Reinsurers (AKR)
6. Retirement Benefits Authority (RBA)
7. Institute of Loss Adjustors, Assessors and Risk Surveyors (ILARS)
8. Two independent trustees
9. Chair of the Examinations Council

II. Legal Authority for Insurance Training and Certification:

- ITET and COI are carrying out their training and certification mandate under the following statutes:
 - a. ITET was incorporated on 3rd May 1988 under the Perpetual Succession Act Cap 164 the laws of Kenya and the subsequent establishment of the College of Insurance.
 - b. The Insurance (Amendment) Act No 5 of 1993 reiterates the legal status of ITET and COI in insurance training.
 - c. COI is licensed as training service provider and accredited institution under the **TVET Act Cap 833 of 2013 Laws of Kenya** with the following as functions:
 - a) A training service provider via **MOHEST/PC/1151/09**
 - i. Accredited institution through the **Kenya Gazette Notice No.1464 Vol. CXV - No. 18 of 8 February 2013** to train, examine and award certificates in the following programs:
 - i. Certificate of Proficiency in Insurance (COP)
 - ii. Craft Certificate in Insurance (CCI)
 - iii. Diploma in Insurance
 - ii. Undertake research and development of learning materials under the TVET Act provisions.
 - iii. COI's insurance qualifications is recognized by **Kenya National Qualification Authority (KNQA)** under the provisions of TVET Act.
 - iv. COI courses are approved by the **Curriculum Development and Accreditation Council (CDAC)** as certified programs for the insurance also under the provisions of TVET Act.

12/08/2024

- v. **Insurance Sector Skills Advisory Committee (ASSAC)**, a committee promulgated under provisions of TVET Act is functional for curriculum development and review.
- vi. **Examination Council** that manages COI examinations is an independent organ of the ITET Board that is responsible for management of examinations under the **Kenya Gazette Notice No.1464 Vol. CXV - No. 18 of 8 February 2013**. The council is composed of insurance stakeholders as follows:
 1. Insurance Regulatory Authority (IRA)
 2. Association of Keya Insurers (AKI)
 3. Insurance Institute of Kenya (IIK)
 4. Association of Insurance Brokers Kenya (AIBK)
 5. Association of Kenya Reinsurers (AKR)
 6. Retirement Benefits Authority (RBA)
 7. Institute of Certified Professional Accountant of Kenya (ICPAK)
 8. Kenya Institute of Curriculum Development (KICD)
 9. Kenya School of Monetary Studies (KSMS)
 10. Ministry of Education Science and Technology (MOEST)
 11. Chair from a University

- These acts variously bestow authority to COI to undertake curriculum development, training, examinations and certifications including research in the insurance field. ***Presently, there is no vacuum regarding insurance training, examination and certification of insurance practitioners in Kenya.***

III. Capacity for Pre-service Insurance Qualification Training and Certification:

- ITET and College of Insurance have invested heavily towards insurance training and certification as follows:
 - a. Legal authority to develop insurance programs, examine and certificate them under the **Kenya Gazette Notice No.1464 Vol. CXV - No. 18 of 8 February 2013**.
 - b. Insurance training infrastructures, resources and facilities. It acquired land, develop buildings and learning resources including manpower capable for providing insurance training and qualification services.
 - c. Elaborate governance structures for developing insurance training programs, provide examinations and certificate various levels of qualification for insurance practioners.
 - d. Recognition for COI's insurance certification qualifications locally by IIK and globally by reputable professional institutes such as Chartered Insurance Institute (UK) Indian Insurance Institute (III).
 - e. COI programs and certification has produced about **30,000 insurance qualifiers**. COI insurance certification qualification has been the basis for IIK membership for its insurance professionals. The majority of its membership are graduates of College of Insurance certification qualifications.

IV. Observation and Comments on Insurance Professional Bill 2024:

With the above evidence regarding COI insurance training and certification qualifications; and in light of the Insurance Professionals Bill 2024, we hereby submit as follows our **observation, comments and position** regarding some aspects of the Bills:

1. The provisions of the proposed Bill particularly **Professionals Examinations Board sections** encroach on ITET and College of Insurance mandate and functions are as follows:
 - i. Part II – The insurance Institute of Kenya: 4, 5 (c) (d) (e) (g) and (h)
 - ii. Part V – Insurance Professionals Examinations Board: 16, 17, 18, 19 and third Schedule.
2. Provisions of the Bill encroaching on pre-qualification insurance training and certification is Part II – The Insurance Institute of Kenya 4(a) and (b).
3. Provision of the Bill encroaching on development of text books is Part II – The insurance Institute of Kenya: 5 (d) on functions of IIK.
4. Provision of the Bill that encroaches on accreditation mandate is Part II. The Insurance Institute of Kenya 5 (g) Insurance Institute of Kenya involvement on accreditation. The term “**accreditation**” is not defined in the proposed Bill but is provided prominent role in the Bill.
5. **Part I Preliminary:**
 - i. ITET is defined in Insurance Professionals Bill 2024 by adopting its definition in the Insurance Act.
 - The **definition** of (ITET) and by extension COI in the Insurance Act, grants ITET and COI the mandate of pre-qualification insurance training and certification.
 - Insurance Professionals Examinations Board is in direct conflict with the mandate of ITET as by per the Insurance Act.
6. The proponent of the Bill is IIK whose functions are enumerated in section 5 to include prequalification training among other issues. Moreover **Part V of Bill is intended to grab further the mandate of ITET and COI** as stipulated under the **Insurance Act. It was the provisions of Insurance Act and TVET Act that provided the basis for ITET and COI to develop infrastructural facilities, governance structures and mechanisms** for the implementation of insurance pre-qualification training, examinations and certification since in 1988 to date.
7. IIK is one of stakeholders in the insurance industry due to it being a body of professional insurance practioners like others such AKI, AIBK, AKPIA IRA among others. Insurance practioners must have professional prequalification certification which at the moment is in the domain of COI. IIK is supposed to be licensing or renewing licenses for insurances for practicing members. This arrangement has worked for 25 years. IIK is a member of ITET Board like all other stakeholders. Similarly, IIK is a council member of the Examination Council like all other stakeholders.
8. In the proposed Bill, it is demonstrable that IIK intended to take over the pre-qualification certification as evidenced in section 5 of the Bill on the fifteen functions of IIK. The functions cover the following areas:
 - i. **Pre-qualification certification activities:** covering curriculum development, training control, examinations and certification and
 - ii. **Post qualification activities:** covering registration of members, CPD, licensing, discipline.

V. **Mandate of Professional Bodies:**

Professional bodies worldwide have common mandates and functions. Their mandates generally rotate around safeguarding of their members interests and welfare. They operate like clubs with rules and regulations governing the conduct of their members. Most of them have developed

codes of ethics to govern the conduct of their members and **modalities for post qualification training** in form of **Continuous Professional Development (CPD)**. Professional bodies like **Law Society of Kenya (LSK), Engineering Board and ICPAK** perhaps the oldest ones in Kenya operate as follows:

1. **Sanity in the conduct of their practice:** Ensuring that members carry out their professional practice in accordance with the prescribed ethical practice as required by Code of Conduct and legislation.
2. **Protecting interests of members:** The body ensures that the welfare /interests of members are safeguarded in terms of fair representation, better terms of service/remuneration etc.
3. **Licensing members:** Professional bodies are privileged to be issuers of practicing licenses to their members who meet pre-qualification certification and also post qualification criteria for renewal of licenses.
4. Carrying out **post qualification training** in the form of **Continuous Professional Development (CPD) solely for the purpose of members of IIK servicing/maintain their practicing licenses.**
5. Professional bodies should organize periodic training workshops, seminars and dinners for its members to appraise them on emerging issues within the profession. Such programs are convened for members as CPD for purposes generating points for **renewal of practicing licenses.**
6. Pre-service training and certification of potential members of a professional bodies rest with particularly training providers operating independently such College of Insurance, Council for Legal Education and universities. The **Council for Legal Education for LSK model** is more or less similar to **College of Insurance for IIK, KASNEB for Institute of Certified Public Accountants Kenya (ICPAK), Universities for Engineering Board** among others are best examples for effective professional bodies that should be emulated.

VI. AKPIA OBSERVATIONS AND CONCLUSION

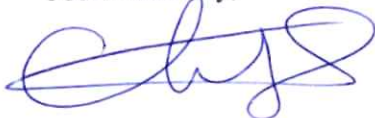
1. AKPIA as a stakeholder in the insurance industry is opposed to the proposals by IIK as contained in the said Bill and strongly advocate for the status quo to be maintained for the stability of the industry. AKPIA is further opposed to the maneuvers of IIK to try to grab functions already mandated to COI within an elaborate legal framework.
2. We therefore submit that the provisions of the Insurance Professionals Examinations Board and any related provisions regarding **pre-service insurance training function** as we have demonstrated in our submissions above **should be deleted in the Bill** because it is **a backdoor attempt to duplicate the functions of ITET and COI** already provided for in **the Insurance Act, TVET Act** and other relevant legislation respectively.
3. Accreditation is the preserve of the Government through the Ministry of Education, Science and Technology (MOEST) for tertiary institutions and Commission for University Education for universities. The Superior Courts in Kenya have pronounced themselves on the accreditation being championed by either professional bodies or other institutions in Kenya as follows:
 - i. The Supreme Court in Kenya on **Petition No. 19 of 2015**. The bench ruled that Engineering Board of Kenya (a professional body) has powers to register members and that such powers did not include the power to accredit and approve pre-qualification engineering courses offered by universities.

- ii. The High Court of Kenya made a ruling on **Petition No. 425 of 2015**. The judge declared that the Council for Legal Education has no jurisdictions on its own to accredit or withdraw accreditation of Moi University Law School.
4. It would be dangerous for the proposed Bill to confer powers to IIK to provide pre-qualification training and certification for its potential members, yet this has been provide by COI.
5. A professional body like IIK, **which is a single entity to be vested with enormous powers** such as to **control** of **potential** members' *pre-service training, accredit training providers, control standards and quality assurance in the training and examinations chain process, award certificates* and finally *admit qualifiers into their membership roll* and continue to **provide CPD, discipline and reward members** in as propagated by the Insurance Professionals Bill is dangerous and **potently hegemonic**.
6. AKPIA agrees to and asserts the present arrangement which is as follows:
 - i. **COI - Pre-qualification certification activities:** covering curriculum development, training control, examinations and certification etc.
 - ii. **IIK - Post qualification activities:** covering registration of members, CPD, licensing, discipline etc.

CONCLUSION

1. We as AKPIA submit on the Insurance Professionals Bill 2024 that the provisions on the entire Part V — Insurance Professionals Examinations Board be expunged from the proposed Bill as follows.
 - i. 16. (1) to (3), The Examination Board
 - ii. 17. (1) to (2), Membership of the Examinations Board
 - iii. 18. (1) to (4). Registrar to the Examinations Board.
 - iv. 19. (1) to (3). Functions of the Examinations Board
2. Include the representation of agents in the examination board by inserting section 17(g) into the Bill. Representation of insurance agents in the examination board will inspire their confidence and motivate most agents to be members of the Insurance Institute of Kenya.
3. AKPIA further submit that section 5. (d), (e) (g), (h) of the Bill on functions of IIK be expunged from the Bill. These provisions contradict or in conflict to the current mandate and functions of ITET and COI as established under the following legislative provisions:
 - i. Insurance (Amendments) Act 1993 on mandate of ITET and COI mandate on insurance training and education.
 - ii. Education Act Cap 211 repealed & TVET Act 2013 - 833: Part IV – 17. (1) (2) (3) and Section 26 (1) (d), (2) (c) on licensing of College of Insurance and further its accreditation.

Yours faithfully,



Clifford Ochieng
CHAIR PERSON

THE ASSOCIATION OF KENYA PROFESSIONAL INSURANCE AGENTS – AKPIA

12/02/2024 ✓

**Association of
Insurance Brokers
of Kenya**



Secretariat
College of Insurance
Off Mombasa Road
Next to Kenya Red Cross
P.O. Box 56928-00200
Cell: 0733 300 946, 0707 209 856
Nairobi, Kenya
Email: info@aibk.co.ke
Website: www.aibk.co.ke

OPC
20/5/24

17th May 2024

The Clerk of the National Assembly,
Main Parliament Buildings,
P.O. Box 41842-00100,
NAIROBI.

Benjamin magut
to facilitate
21/5/24

Email: clerk.nationalassembly@parliament.go.ke

Dear Sir,

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE INSURANCE PROFESSIONALS BILL, 2024
(NATIONAL ASSEMBLY BILL NO. 25 OF 2024)
PUBLIC PARTICIPATION/SUBMISSION OF MEMORANDA

The Association of Insurance Brokers (AIBK) is Kenya's foremost lobby group for all insurance brokers in the country. We have continued to articulate policies and matters pertaining to the welfare of our members and those of the insuring public at large.

AIBK has a wide mandate which includes promoting consumer education for the insuring public as well as advocating for the interests of our members.

We have seen your invitation to respond to the Insurance Professionals Bill 2024 and are humbly requesting that the enclosed Memorandum be given due attention on the areas highlighted therein.

We look forward to hearing from you.

Yours faithfully,

Eliud Adiedo
CHIEF EXECUTIVE OFFICER



Encls.

Memorandum to The National Assembly

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IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE INSURANCE PROFESSIONALS REGISTRATION BILL, 2020

(NATIONAL ASSEMBLY BILL No. 25 OF 2024)

MEMORANDUM IN SUPPORT OF THE SUBMISSION BY THE ASSOCIATION OF INSURANCE BROKERS OF KENYA (AIBK)

SUBMITTED TO PARLIAMENT ON 17th MAY 2024 REGARDING THE INSURANCE PROFESSIONALS REGISTRATION BILL, 2020

Issue	Proposed change(s)	Potential impact on our business
<p>1. The Bill is silent on existing players in the industry, many of whom have not qualified in Insurance exams but are professionals in their own right in other professions.</p>	<ul style="list-style-type: none"> Recognize other professionals such as accountants, lawyers, doctors, e.t.c who may not have necessarily taken insurance qualification examinations as envisaged in the Bill. Recognize those other professionals who by virtue of their long experience at senior levels in the insurance industry, have gained requisite expertise in the field. The transition period of 12 months for existing players to obtain relevant qualifications is in our view, too short. This should be extended to 36 - 60 months at the very least. Allow for seamless transfer of credits between different professions. 	<ul style="list-style-type: none"> There could be a backlash or exodus of senior executives from the industry without corresponding numbers to replace them. It is not clear whether or not there are sufficient numbers to take up those responsibilities.
<p>2. The Bill is silent and has not recognized industry players like the Association of Insurance Brokers of Kenya (AIBK), the Association of Kenya Insurers (AKI), the Association of Kenya Professional Insurance Agents (AKPIA), the Association of Loss Adjusters and Surveyors (IARS) etc. on its proposed council of the board.</p>	<ul style="list-style-type: none"> It cannot be said that the Council is representative of the insurance industry when its key stakeholders are not represented on the board. Allow for a wide spectrum of industry players to sit on the board. 	<ul style="list-style-type: none"> To get buy-in, ownership, and a sense of belonging, it is important that Trade Associations find representation on the board.

<p>3. Continuous Professional Development (CPD) is a vital cog in the wheels of any industry towards the maintenance of standards.</p> <p>4. The Bill proposes funding for the institute from member subscriptions</p>	<ul style="list-style-type: none"> • The Insurance Institute of Kenya (IIK) needs to collaborate with the aforesaid Trade Associations to award CPD points. The Institute by itself and on its own, is not well-capacitated to handle this function. • This being a money-Bill, we propose that the funding be done by the exchequer 	<ul style="list-style-type: none"> • A collaborative mechanism should allow for both parties to be in charge of this function for efficiency and effectiveness. • Members already pay subscriptions to their respective associations and it would be burdensome to introduce another layer of payments.
<p>5. The Bill proposes enormous and wide-ranging powers to the Institute on disciplinary matters.</p>	<ul style="list-style-type: none"> • In addition to aggrieved parties being allowed to take their disputes for Alternative Dispute Resolution (ADR) mechanisms, any matters left unaddressed should find recourse to the High Court of Kenya for final determination. 	<ul style="list-style-type: none"> • This will ensure that the aggrieved parties in a dispute find ultimate justice.
<p>6. <i>InsureTechs</i> are not mentioned in the Bill.</p>	<ul style="list-style-type: none"> • With the advancement in technology, insurance should not be left out. 	<ul style="list-style-type: none"> • There are already players in this space and they will need recognition.
<p>7. Unauthorized insurance intermediaries</p>	<ul style="list-style-type: none"> • The Bill is silent on payment of commissions to unauthorized persons as envisaged under the Insurance Act. The Government is losing money through payments of commissions to unlicensed persons. 	<ul style="list-style-type: none"> • Not only does this practice threaten the integrity of the insurance process, it also undermines the quality and professional advice that the insuring entities are receiving.
<p>8. No mention of foreigners doing insurance business in the country.</p>	<ul style="list-style-type: none"> • Legitimate insurance practitioners leaving and working in the country are not mentioned in the Bill. Their operations may therefore be deemed to be unauthorized. 	<ul style="list-style-type: none"> • Ours is a liberalized economy and we should be seen to embrace legitimate players, wherever their origins are.



12th August 2024

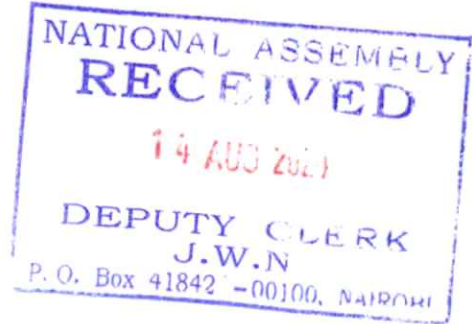
Committee Clerk
The National Assembly
Parliament Building
P.O. Box 41842 00100
NAIROBI

E-mail: cna@parliament.go.ke

Att. Mr. Benjamin Magut
(Email: Benjamin.magut@parliament.co.ke)

Mr. Benjamin Magut
Pls TNA, JM
14/08/24

① DDC
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14/08/24



Dear Sir,

RE: PETITIONING THE DEBATE ON INSURANCE PROFESIONAL BILL 2024 – SPONSORED BY INSURANCE INSTITUTE OF KENYA (IIK):

We refer to the above bill currently under debate in Parliament.

We, The **Association of Kenya Insurers (AKI)**, the **Association of Insurance Brokers Kenya (AIBK)**, the **College of Insurance (COI)** and **Association of Kenya Professional Insurance Agents (AKPIA)** being members of the **Insurance Training and Education Trust (ITET)** are the stakeholders of insurance industry in Kenya.

Our attention has been drawn to the current debate on the above referred bill. We therefore wish to inform you that our input has not been taken into account despite our submissions made both orally and in writing.

The proposed bill has therefore not undergone **Full Stakeholder and Public Participation**. Among the issues canvassed in the bill are currently being performed by the College of Insurance for over thirty-three years within the legal framework as follows:

Legal Authority for Insurance Training and Certification:

ITET and COI is carrying out its training and certification mandate under the following statutes:





1. ITET was incorporated on 3rd May 1988 under the Perpetual Succession Act Cap 164 the laws of Kenya and the subsequent establishment of the College of Insurance.
2. The Insurance (Amendment) Act No 5 of 1993 reiterates the legal status of ITET and COI in insurance training.
3. COI is licensed as training service provider and accredited institution under **the TVET Act Cap 833 of 2013 Laws of Kenya** with the following as functions:
 - a) A training service provider via **MOHEST/PC/1151/09**
 - b) Accredited institution through the **Kenya Gazette Notice No.1464 Vol. CXV - No. 18 of 8 February 2013** to train, examine and award certificates in the following programs:
 - i. Certificate of Proficiency in Insurance (COP)
 - ii. Craft Certificate in Insurance (CCI)
 - iii. Diploma in Insurance
 - d) COI's insurance qualifications is recognized by **Kenya National Qualification Authority (KNQA)** under the provisions of TVET Act.
 - e) COI courses are approved by the **Curriculum Development and Accreditation Council (CDAC)** as certified programs for the insurance also under the provisions of the Act.
 - f) **Insurance Sector Skills Advisory Committee (ASSAC)**, a committee promulgated under provisions of TVET Act is functional for curriculum development and review.
 - g) COI programs and certification has been recognized by the Chartered Insurance Institute UK to enable holders of such certificates access in jurisdictions where CII has bases



Milestones Archived by the College of Insurance in its 30 years of existence is summarized below:

Since the establishment of ITET in 1987 and COI in 1992, they have jointly discharged their functions as follows:

- i. Invested heavily to meet insurance professional requirements Kenya:
 - Developed capacities of its staff who carry various tasks in training and examinations
 - Physical facilities for training
 - Development of appropriate governance structures and systems for the effective management of training and examination
 - Recognition of professional insurance programs with professional insurance institutes. CII is finalizing the exchange programs with COI early next year
 - Development of textbooks for insurance training
- ii. Development of various insurance training curriculum,
- iii. Carried the training of insurance professionals using the local insurance curriculum
- iv. Examination of candidates on various insurance curricula
- v. Awarded certificates on various insurance course since 1997.

We pride ourselves to have trained in East Africa and the wider Africa Region. The College of Insurance has provided capacity building programs through its courses / trainings for various clients all over Kenya and across Africa as follows:

1. Insurance Regulatory Authority,
2. Insurance Companies (both life and general),
3. Re-insurance Companies,
4. Insurance Brokers,
5. Re-insurance Brokers,



6. Loss Adjusters,
7. Risk Surveyors,
8. Actuaries,
9. Motor Assessors,
10. Insurance Agents,
11. Banks (Banc Assurance) and
12. Risk Managers.
13. raining officers dealing with insurance matters from Government Authorities,
14. The Police Service,
15. Champions trainings in the Counties,
16. Private and commercial companies,
17. Parastatals and state corporations, and
18. Industrial organizations among others.

Clients from outside Kenya include the following:

1. Insurance authorities from the COMESA region,
2. United Nations (AMSCO),
3. Africa Insurance Organization – AIO,
4. Organization of Eastern and Southern Africa Insurers - OESAI,
5. Regional insurance companies, government agencies and state corporations.

Since inception, the COI has trained 20,000 insurance agents and 5,500 insurance professionals in Kenya and across the region on insurance related courses.

The College partnered with the Retirement Benefits Authority (RBA), Humber College Institute of Technology & Advanced Learning (Canada) and Association of Retirement Benefits Authority to develop the **Trustee Development Curriculum**. Retirement Benefits Authority uses the program to regulate and supervise the establishment and management of retirement Benefits schemes, protect the interest of members and sponsors of retirement Benefits schemes, promote the development of the Retirement Benefits industry and implement all government policies relating thereto. Since inception of the program, the College has trained approximately 6,000 Trustees who have and continue to contribute to the development and growth of the pensions sector.



Further, the College has partnered or collaborated in major Capacity Building initiatives with some accomplished and others ongoing as below: -

1. World Bank's Agricultural Risk Management Team (ARMT) partnered with the College of Insurance in Kenya to assist them in delivering index-based weather insurance training on an on-going basis to the Eastern and Southern African insurance sector. The design and delivery of the training course was funded by the European Union's All ACP Agricultural Commodities Programme (AAACP). The Program has so far trained over 50 participants in each EAC partner states.
2. College in collaboration with USAID/COMPETE and other global stakeholders embarked on the development of Regional Certificate in Agricultural Insurance program. This program was to be used in building the capacity of insurance companies and other related agencies to provide comprehensive insurance products in the Agricultural sector that can mitigate risks associated with it. The College is provided leadership in the development and implementation of the program, launched in Kenya and later rolled out to other countries within the COMESA and sub-Saharan region. We have trained over 100 students in this program spanning the Eastern Africa Region.
3. The East Africa Community – EAC partnered with the College of Insurance to carry out a study on a harmonized Curriculum in Insurance for the EAC partner states. This assignment was completed and the College, through funding from the EAC, has assisted Rwanda, Uganda, Burundi and Tanzania in implementing the ratified curriculum.
4. The East Africa Community Collaborated with the College to carry out a capacity building assignment for Training of Trainers the EAC partner states. This was done in readiness of the curriculum rollout.
5. Africa Management Services Company – AMSCO, a capacity building arm of UNDP, partnered with the College of Insurance to train the Region on Insurance matters. This program trained participants in Zambia and Uganda.



6. The Kenya Maritime Authority – KMA, partnered with the College to strengthening capacity in Maritime Insurance not only in Kenya but in East Africa. This training has been, and we continue to deliver it using facilitators from KMA, KRA, IRA and COI. We have trained over 500 students in this program.
7. Insurance Regulatory Authority (IRA) with College of Insurance developed and is implement several programs as follows:
 - i. Champions and Focus Groups Training programs to train key leaders in the Counties who in turn were expected to disseminate the information learned as well as create insurance awareness within their communities/networks and come up with other initiatives to enhance insurance awareness in the Counties. So far, we have trained over 3,000 participants.
 - ii. IRA Insurance Fraud Investigation Unit – IFIU Capacity building training - The Authority partnered with the College to undertake an induction training for IFIU officers in August, 2018. We have trained over 100 officers.
 - iii. IRA Executive Certificate of Proficiency - ECOP - The IRA partnered with the College to develop the ECOP curriculum and training program with an objective training at least 100 residents in each of the 47 counties to qualify as insurance sales agents. This was done for the 47 counties and ended up with more than 5,000 qualified agents. The program is still going on for the industry.
8. The Unclaimed Financial Assets Authority (UFAA) partnered with the College in inducting and certifying their Trustees through the College Trustee Development Program by Retirement Benefits Authority.
9. Induction programme for the Civil Servant Superannuation Pension Fund through certification using the College Trustee Development Program by Retirement Benefits Authority.
10. Global University of Malaysia, INCIEF partnered with the College in training Takaful related courses in Insurance. We have several Takaful training with over 500 participants having gone through their courses.



11. Trustees Development Program for the Republic of Malawi in a joint training partnership with the Reserve Bank of Malawi and Zamara Kenya.
12. Africa Re partnering with the College of Insurance to carry out training for Insurance Regulators in Africa.

With this huge contributions ITET/College of Insurance has made to the Insurance and Pension Industry, we cannot purport to create new institutions for pre-service training, therefore the sections relating to training examinations and certifications should be expunged from the document because these are mandates of the College of Insurance and have been ably addressed.


Yours faithfully,



Tom Gichuhi
EXECUTIVE DIRECTOR
ASSOCIATION OF KENYA INSURERS (AKI)



Eliud Adiedo
CHIEF EXECUTIVE OFFICER
ASSOCIATION OF INSURANCE BROKERS OF KENYA (AIBK)



Dr. Ben Kajwang
DIRECTOR/CEO
COLLEGE OF INSURANCE



Clifford Ochieng
CHAIRMAN
ASSOCIATION OF KENYA PROFESSIONAL INSURANCE AGENTS (AKPIA)

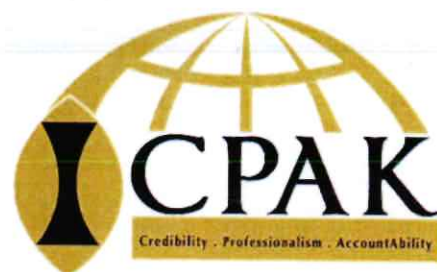


c.c. **Speaker of the National Assembly**
The National Assembly
Parliament Building
P.O. Box 41842 00100
NAIROBI

The Attorney General
Office of the Attorney General
Harambee Avenue
NAIROBI

Enclosed: Submission

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The Institute of Certified Public Accountants of Kenya

SUBMISSION

ON

INSURANCE PROFESSIONALS BILL, 2024

AUGUST 2024

SUBMISSIONS ON INSURANCE PROFESSIONALS BILL 2024

1. INTRODUCTION

The Institute of Certified Public Accountants of Kenya (ICPAK) is a statutory body of accountants established under the Accountants Act of 1978, and as repealed under the Accountants Act Number 15 of 2008, mandated to develop and regulate the Accountancy Profession in Kenya. It is also a member of the International Federation of Accountants (IFAC), the global umbrella body for the accountancy profession and Pan Africa Federation of Accountants (PAFA), the continental body of Accountants.

2. INSURANCE REGULATION IN KENYA

The Insurance Institute of Kenya (IIK) recently introduced the Insurance Professionals Bill 2024, which proposes the establishment of a regulatory framework for insurance professionals in Kenya. The bill outlines the creation of the Insurance Institute of Kenya, the Insurance Professionals Examination Board, and the Registration of Insurance Professionals Committee. ICPAK has reviewed the bill and notes the following policy considerations.

a) Current regulatory environment

The insurance industry is primarily regulated by the Insurance Act CAP 487, enacted in 1984, and the Insurance Regulatory Authority (IRA), established in 2007. The IRA regulates the industry, ensuring compliance with regulatory standards while promoting sectoral growth. The sector has a number of associations and institutions such as;

- i. Insurance Institute of Kenya (IIK)
- ii. Association of Kenya Professional Insurance Agents (AKPIA)
- iii. Association of Kenya Insurers (AKI)
- iv. Bima Intermediaries Association of Kenya (BIAK)
- v. Bancassurance Association of Kenya (BAKI)
- vi. College of Insurance

This indicates that there are numerous institutions performing a similar regulatory role. As such the current Bill is a step into the right direction.

ICPAK Submissions on Insurance Professionals Bill 2024

b) Alignment with the insurance Act CAP 487

ICPAK recognises that there is an existing insurance Act that aims at consolidating the Law relating to insurance, and to regulate the business of insurance in Kenya. This Act established institutions that have in the part played a capacity building and regulatory role. It is therefore imperative that a harmonization of the Insurance Professionals Bill 2024 with the existing Insurance Act CAP 487 is done to ensure regulatory and operational efficiency within the insurance sector. Without this alignment, there is a risk that various industry players including: licensed brokers, agents, risk managers, motor assessors, insurance investigator, loss adjusters, insurance surveyor, medical insurance provider and claims setting agents may be excluded by the bill. This will prevent any conflicts that may arise between new and existing regulations and providing a clear, consistent framework for all industry participants.

c) Contribution of the Insurance Sector to the economy

The insurance sector plays a significant role in Kenya's economy. According to the Kenya National Bureau of Statistics (2024), the sector recorded a steady increase of GDP contribution, from 1.5% in 2019 to 2.1% in 2023 as outlined in the table below:

Percentage Contribution of Gross Domestic Product (GDP) by the Insurance Sector (2019-2023)

Year	2019	2020	2021	2022	2023
Insurance Sector	1.5	1.7	2.0	2.0	2.1

Source: Kenya National Bureau of Statistics, 2024

This upward trend reflects the sector's expanding market penetration and its critical role in economic stability and development. Given the sector's ongoing adaption to changing conditions, securing legal backing for the registration of insurance professionals becomes key in supporting growth and addressing the needs of all industry players effectively.

d) Other General Comments

In its support, ICPAK submits the following general comments:

- i. The proposed Insurance Professionals Examinations Board and Registration of Insurance Professionals Committee would provide a structured mechanism to examine, register, and regulate insurance professionals.
- ii. A recognized professional body will also ensure that professionals operating within the industry align with the global trend of integrating advanced technologies, ESG reporting and adhering to new regulatory standards.

ICPAK Submissions on Insurance Professionals Bill 2024

- iii. The definition of "insurance professional" is not clearly outlined, and the bill lacks a comprehensive mechanism for transitional arrangements for other practitioners in the insurance sector.
- iv. The Institute will need to reevaluate its sanctions to enforce stricter penalties for unprofessional conduct.

ICPAK further recommends the following considerations in amendments of the bill to support this analysis and address the current and future needs of the insurance sector in Kenya.

#	CLAUSE / AREA	ISSUE OF CONCERN	ICPAK'S RECOMMENDATION	RATIONALE/ LIKELY IMPACT
1.	Clause 4: Membership of the Institute	The current classification is discriminatory as it only allows members from Kenya and excludes persons from others other affiliate bodies of the Chartered Insurance Institute such as Insurance Institute of South Africa	The Institute recommends having membership to be open to all insurance qualified professionals from recognized Institutes. <i>Having international qualification - need transcription for</i>	This would encourage the retention and recognition of existing professional qualifications and reduce compliance costs for seasoned professionals, which will in-turn promote a more efficient regulatory environment.
2.	Clause 5: Functions of the Institute	Clauses 5(f) and 5(g) suggest that the Institute will advise its own registration committee, which seems redundant given the registration committee is established as a statutory committee in the bill.	Delete clauses 5(f) and 5(g) <i>Have another view (from a professional body)</i> ↓	The Institute recommends deletion of clauses 5(f) and 5(g) to eliminate overlap and ensure clarity in IIK's functions. It will prevent duplication of advisory roles and ensure that the registration committee operates independently and effectively within its statutory framework.
3.	Clause 6: Council of the Institute	The Bill specifies a Council composed of thirteen members, including the Chairperson, nine elected members, a representative of the Commissioner of Insurance, a representative of the Cabinet Secretary, and the Executive Director	The Institute recommends the to amend clause 6 to read as follows; (b) a chairperson elected by members of the Institute; (c) nine seven members of the Institute elected in the manner provided in the First Schedule; (d) the Commissioner of Insurance or a representative designated in writing;	This is recommended good corporate governance practice as laid out in the Mwongozo guidelines.

Submissions on Insurance Professionals Bill 2024

#	CLAUSE / AREA	ISSUE OF CONCERN	ICPAK'S RECOMMENDATION	RATIONALE/ LIKELY IMPACT
			<p>(e) one person appointed by the Cabinet Secretary in writing;</p> <p>(f) A member representing the professional body regulating accountants; and</p> <p>(g) the Executive Director of the Institute who shall not vote at meetings</p>	
4.	<p>Clause 10(5): Appointment of the Executive Director</p>	<p>The requirements as provided in the Bill are limiting for position of Executive Director.</p>	<p>The Institute recommends that the amendment in clause 10(5) to be as follows:</p> <ul style="list-style-type: none"> a) Is a registered insurance professional. b) Holds a degree in the relevant field from a university recognized in Kenya. c) Has at least ten years knowledge and experience in the relevant field. d) Meet the requirements of Chapter six of the Constitution. e) Has served in a position of senior management for a period of at least five years. f) Meets the requirements of the fit and proper test. 	<p>This is in line with the Mwongozo guidelines and is best practices observed in similar professional bodies.</p>

Submissions on Insurance Professionals Bill 2024

#	CLAUSE / AREA	ISSUE OF CONCERN	ICPAK'S RECOMMENDATION	RATIONALE/ LIKELY IMPACT
5.	Clause Application Registration 24:	The current fine for falsifying or providing misleading information during the registration process is set at fifty thousand, which may be insufficient to deter unethical behavior.	Amend as follows (4) A person who, in an application to be registered, willfully makes a false or misleading statement commits an offence and shall be liable on convictions to a fine not exceeding one hundred thousand shillings or to imprisonment for period not exceeding six months or both	Raising the fine could act as a stronger deterrent against dishonesty in the registration process. <i>Penalty - 700 little should be enhanced.</i>
6.	Clause 25(1)(c): Qualifications for Registration	The bill limits the qualifications to only Kenyan citizens	Amend by deleting clause 25(1)(c)	This change could attract skilled professionals from affiliate bodies. <i>Limits to only Kenyan citizens.</i>
7.	First Schedule: Tenure of the Office	The bill proposes a term limit of two years renewable for the Chairperson of the institute.	Amend to read as follows; (3) A person elected as chairperson in subsection (1) shall hold office for a non-renewable term of three years.	Tenure of Office (3) years A person elected as chairman in subsection (1) shall hold office for a non-renewable term of <u>three</u> years. This is to align the provision with best practice in corporate governance. According to Mwongozo Code, the tenure of a Board Member, shall not exceed a cumulative term of six years or two terms of three years each. The Accountants Act provides for a non-renewable term of two years for the Chairman. This period is considered short, and the Chairman

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Submissions on Insurance Professionals Bill 2024

#	CLAUSE / AREA	ISSUE OF CONCERN	ICPAK'S RECOMMENDATION	RATIONALE/ LIKELY IMPACT
				<p>may not have enough time to actualize their vision and agenda for the Institute. The Chairman needs sufficient time to do the following:</p> <ul style="list-style-type: none"> (i) Learn the Institute and establish their vision (ii) Establish and cement networks with the International Federation of Accountants (IFAC), Professional Accountancy Organizations (PAOs), peer bodies across the world and local networks with professions and government (iii) Follow-through of previous chairman's unfinished work (iv) Obtaining consensus of council on Agenda/Vision (v) Implementation of the agenda/vision <p>Comparative -Statutes</p> <ul style="list-style-type: none"> • Section 9 of the Kenya Institute of Curriculum Development Act, 2013 provides that 9 the chairperson and members of the Council shall hold office for a term of three years and shall be eligible for

Submissions on Insurance Professionals Bill 2024

#	CLAUSE / AREA	ISSUE OF CONCERN	ICPAK'S RECOMMENDATION	RATIONALE/ LIKELY IMPACT
				<p>reappointment for one further term</p> <ul style="list-style-type: none"> • Section 7 of the Kenya Revenue Authority Act 2012 provides that the Chairman and members shall hold office on such terms and conditions including remuneration as are specified in his instrument of appointment, and for a period not exceeding three years. They shall be eligible for re-appointment for one further term of three • All Public University Statutes state that Chairman of the University Council shall be appointed for a period not exceeding three years. For instance, Egerton University Act, University of Nairobi Act and Turkana University Act. • Section 5(4A) of the Capital Markets Authority Act 2012 provides that the chairman and every member shall hold office for a period of three years and shall be eligible for re-appointment for a further term of three years.

Submissions on Insurance Professionals Bill 2024

#	CLAUSE / AREA	ISSUE OF CONCERN	ICPAK'S RECOMMENDATION	RATIONALE/ LIKELY IMPACT
8.	New Provision: Policy and regulation	Mismanagement of client funds and fraud on insurance policies	Strict penalties on unprofessional conducts.	High standards of service and competition

ICPAK RECOMMENDATIONS

- 1) Enhance ethics and integrity matters focusing on fraud and the role IIC could play to facilitate effective and efficient financial transactions.
- 2) Develop sustainable governance and leadership framework aligned with industry best practice.
- 3) Conduct awareness campaigns to inform stakeholders on the provisions of the bill and compliance training of professionals to promote adherence to regulations.
- 4) Ensure that the institute adopts and integrates innovation and new regulatory standards to keep pace with global industry trends.
- 5) Align the Insurance Professionals Bill 2024 with the Insurance Act to achieve regulatory and operational efficiency.
- 6) Clarify the definition of an insurance professional to encompass all relevant agents and categories of practitioners.
- 7) Reevaluate and enhance sanctions within the Institute to impose stricter penalties for unprofessional conduct, reinforcing high standards of practice.



ASSOCIATION OF KENYA
PROFESSIONAL INSURANCE AGENTS (AKPIA)
Connect | Insure

Phone: (254)722 524 335

Email: info@akpia.co.ke

Web: www.akpia.co.ke

5th Floor, Kose Heights
Argwings Kodhek Rd
Hurlingham Nairobi Kenya

P. O Box 27065-00100 Nairobi

**OFFICE OF THE CLERK OF THE NATIONAL ASSEMBLY,
THE NATIONAL ASSEMBLY,
PARLIAMENT BUILDING,
P.O. Box 41842-00100,
NAIROBI.**

E-mail: cna@parliament.go.ke

Att: Mr. Benjamin Magut)
(Email: Benjamin.magut@parliament.go.ke)

Dear Sir,

**RE: SUBMISSIONS ON THE INSURANCE PROFESSIONALS BILL 2024 – SPONSORED
BY THE INSURANCE INSTITUTE OF KENYA**

We refer to the above matter.

In response to your invite Ref.L NAD/DDC/F&NP/2023/76 to submit comments on the **Insurance Professionals Bill 2024** we, the **Association of Kenya Professional Insurance Agents (AKPIA)**, being a stakeholder in the insurance industry and a potential member of the **Insurance Institute of Kenya and the Insurance Professionals Examinations Board created under the Insurance Professionals Bill 2024** humbly forward our submissions on the Bill under discussion before the Committee on Finance and National Planning of the National Assembly. We believe it is appropriate to provide a brief background of AKPIA and The College of Insurance (COI), their legal framework and operations structures purposely to help the Committee understand pertinent issues pertaining to insurance training and certification in Kenya as currently established.

I. Background

The Association of Kenya Professional Insurance Agents (AKPIA) is a membership-based Association that strives to promote and serve the interests of its members who are more than 13,500 Insurance Agents of all levels in Kenya. Insurance agents play an important role in the insurance ecosystem and industry value chain and thus, AKPIA acts as the spokesperson and representative of the agency force in the Kenyan insurance industry as it seeks to create a smooth bridge between consumers, the Government, the Underwriters and all other stakeholders in the insurance industry. The role and participation of insurance agents in the insurance eco system is immense and cannot therefore go unrecognized.

The mandate of the College of Insurance (COI) which was started in 1988 encompasses the development of insurance training and education. Additionally, the College of Insurance certifies insurance agents while the *licensing of insurance agents is being conducted by the Insurance Regulatory Authority (IRA) as provided for under section 19 of the Insurance Act Cap 487 Laws of Kenya*. Since its establishment in 1988, the COI has been responsible for the pre-qualification insurance training which was initially under the Chartered Insurance Institute (CII) - Britain and in 1996 the local insurance curriculum and certification. COI certification has been the platform used by the Insurance Institute of Kenya (IIK) for admission of qualified individuals into its membership. The **Insurance Training and Education Trust (ITET)** and COI initiated insurance training and certification in Kenya and have systematically nurtured the development of over 40,000 members to date.

ITET is owned by the insurance industry through the following key stakeholders who are also members of its board:

1. Insurance Regulatory Authority (IRA)
2. Association of Keya Insurers (AKI)
3. Insurance Institute of Kenya (IIK)
4. Association of Insurance Brokers Kenya (AIBK)
5. Association of Kenya Reinsurers (AKR)
6. Retirement Benefits Authority (RBA)
7. Institute of Loss Adjustors, Assessors and Risk Surveyors (ILARS)
8. Two independent trustees
9. Chair of the Examinations Council

II. **Legal Authority for Insurance Training and Certification:**

- ITET and COI are carrying out their training and certification mandate under the following statutes:
 - a. ITET was incorporated on 3rd May 1988 under the Perpetual Succession Act Cap 164 the laws of Kenya and the subsequent establishment of the College of Insurance.
 - b. The Insurance (Amendment) Act No 5 of 1993 reiterates the legal status of ITET and COI in insurance training.
 - c. COI is licensed as training service provider and accredited institution under **the TVET Act Cap 833 of 2013 Laws of Kenya** with the following as functions:
 - a) A training service provider via **MOHEST/PC/1151/09**
 - i. Accredited institution through the **Kenya Gazette Notice No.1464 Vol. CXV - No. 18 of 8 February 2013** to train, examine and award certificates in the following programs:
 - i. Certificate of Proficiency in Insurance (COP)
 - ii. Craft Certificate in Insurance (CCI)
 - iii. Diploma in Insurance
 - ii. Undertake research and development of learning materials under the TVET Act provisions.
 - iii. COI's insurance qualifications is recognized by **Kenya National Qualification Authority (KNQA)** under the provisions of TVET Act.
 - iv. COI courses are approved by the **Curriculum Development and Accreditation Council (CDAC)** as certified programs for the insurance also under the provisions of TVET Act.

12/05/24

- v. **Insurance Sector Skills Advisory Committee (ASSAC)**, a committee promulgated under provisions of TVET Act is functional for curriculum development and review.
- vi. **Examination Council** that manages COI examinations is an independent organ of the ITET Board that is responsible for management of examinations under the **Kenya Gazette Notice No.1464 Vol. CXV - No. 18 of 8 February 2013**. The council is composed of insurance stakeholders as follows:
 1. Insurance Regulatory Authority (IRA)
 2. Association of Keya Insurers (AKI)
 3. Insurance Institute of Kenya (IIK)
 4. Association of Insurance Brokers Kenya (AIBK)
 5. Association of Kenya Reinsurers (AKR)
 6. Retirement Benefits Authority (RBA)
 7. Institute of Certified Professional Accountant of Kenya (ICPAK)
 8. Kenya Institute of Curriculum Development (KICD)
 9. Kenya School of Monetary Studies (KSMS)
 10. Ministry of Education Science and Technology (MOEST)
 11. Chair from a University

- These acts variously bestow authority to COI to undertake curriculum development, training, examinations and certifications including research in the insurance field. *Presently, there is no vacuum regarding insurance training, examination and certification of insurance practitioners in Kenya.*

III. Capacity for Pre-service Insurance Qualification Training and Certification:

- ITET and College of Insurance have invested heavily towards insurance training and certification as follows:
 - a. Legal authority to develop insurance programs, examine and certificate them under the **Kenya Gazette Notice No.1464 Vol. CXV - No. 18 of 8 February 2013**.
 - b. Insurance training infrastructures, resources and facilities. It acquired land, develop buildings and learning resources including manpower capable for providing insurance training and qualification services.
 - c. Elaborate governance structures for developing insurance training programs, provide examinations and certificate various levels of qualification for insurance practitioners.
 - d. Recognition for COI's insurance certification qualifications locally by IIK and globally by reputable professional institutes such as Chartered Insurance Institute (UK) Indian Insurance Institute (III).
 - e. COI programs and certification has produced about **30,000 insurance qualifiers**. COI insurance certification qualification has been the basis for IIK membership for its insurance professionals. The majority of its membership are graduates of College of Insurance certification qualifications.

IV. Observation and Comments on Insurance Professional Bill 2024:

With the above evidence regarding COI insurance training and certification qualifications; and in light of the Insurance Professionals Bill 2024, we hereby submit as follows our **observation, comments and position** regarding some aspects of the Bills:

1. The provisions of the proposed Bill particularly **Professionals Examinations Board sections** encroach on ITET and College of Insurance mandate and functions are as follows:
 - i. Part II – The insurance Institute of Kenya: 4, 5 (c) (d) (e) (g) and (h)
 - ii. Part V – Insurance Professionals Examinations Board: 16, 17, 18, 19 and third Schedule.
2. Provisions of the Bill encroaching on pre-qualification insurance training and certification is Part II – The Insurance Institute of Kenya 4(a) and (b).
3. Provision of the Bill encroaching on development of text books is Part II – The insurance Institute of Kenya: 5 (d) on functions of IIK.
4. Provision of the Bill that encroaches on accreditation mandate is Part II. The Insurance Institute of Kenya 5 (g) Insurance Institute of Kenya involvement on accreditation. The term “**accreditation**” is not defined in the proposed Bill but is provided prominent role in the Bill.
5. **Part I Preliminary:**
 - i. ITET is defined in Insurance Professionals Bill 2024 by adopting its definition in the Insurance Act.
 - The **definition** of (ITET) and by extension COI in the Insurance Act, grants ITET and COI the mandate of pre-qualification insurance training and certification.
 - Insurance Professionals Examinations Board is in direct conflict with the mandate of ITET as by per the Insurance Act.
6. The proponent of the Bill is IIK whose functions are enumerated in section 5 to include prequalification training among other issues. Moreover **Part V of Bill is intended to grab further the mandate of ITET and COI** as stipulated under the **Insurance Act. It was the provisions of Insurance Act and TVET Act that provided the basis for ITET and COI to develop infrastructural facilities, governance structures and mechanisms** for the implementation of insurance pre-qualification training, examinations and certification since in 1988 to date.
7. IIK is one of stakeholders in the insurance industry due to it being a body of professional insurance practioners like others such AKI,AIBK, AKPIA IRA among others. Insurance practioners must have professional prequalification certification which at the moment is in the domain of COI. IIK is supposed to be licensing or renewing licenses for insurances for practicing members. This arrangement has worked for 25 years. IIK is a member of ITET Board like all other stakeholders. Similarly, IIK is a council member of the Examination Council like all other stakeholders.
8. In the proposed Bill, it is demonstrable that IIK intended to take over the pre-qualification certification as evidenced in section 5 of the Bill on the fifteen functions of IIK. The functions cover the following areas:
 - i. **Pre-qualification certification activities:** covering curriculum development, training control, examinations and certification and
 - ii. **Post qualification activities:** covering registration of members, CPD, licensing, discipline.

V. **Mandate of Professional Bodies:**

Professional bodies worldwide have common mandates and functions. Their mandates generally rotate around safeguarding of their members interests and welfare. They operate like clubs with rules and regulations governing the conduct of their members. Most of them have developed

codes of ethics to govern the conduct of their members and **modalities for post qualification training** in form of **Continuous Professional Development (CPD)**. Professional bodies like **Law Society of Kenya (LSK), Engineering Board and ICPAK** perhaps the oldest ones in Kenya operate as follows:

1. **Sanity in the conduct of their practice:** Ensuring that members carry out their professional practice in accordance with the prescribed ethical practice as required by Code of Conduct and legislation.
2. **Protecting interests of members:** The body ensures that the welfare /interests of members are safeguarded in terms of fair representation, better terms of service/remuneration etc.
3. **Licensing members:** Professional bodies are privileged to be issuers of practicing licenses to their members who meet pre-qualification certification and also post qualification criteria for renewal of licenses.
4. Carrying out **post qualification training** in the form of **Continuous Professional Development (CPD) solely for the purpose of members of IIK servicing/maintain their practicing licenses.**
5. Professional bodies should organize periodic training workshops, seminars and dinners for its members to appraise them on emerging issues within the profession. Such programs are convened for members as CPD for purposes generating points for **renewal of practicing licenses.**
6. Pre-service training and certification of potential members of a professional bodies rest with particularly training providers operating independently such College of Insurance, Council for Legal Education and universities. The **Council for Legal Education for LSK model** is more or less similar to **College of Insurance for IIK, KASNEB for Institute of Certified Public Accountants Kenya (ICPAK), Universities for Engineering Board** among others are best examples for effective professional bodies that should be emulated.

VI. AKPIA OBSERVATIONS AND CONCLUSION

1. AKPIA as a stakeholder in the insurance industry is opposed to the proposals by IIK as contained in the said Bill and strongly advocate for the status quo to be maintained for the stability of the industry. AKPIA is further opposed to the maneuvers of IIK to try to grab functions already mandated to COI within an elaborate legal framework.
2. We therefore submit that the provisions of the Insurance Professionals Examinations Board and any related provisions regarding **pre-service insurance training function** as we have demonstrated in our submissions above **should be deleted in the Bill** because it is a **backdoor attempt to duplicate the functions of ITET and COI** already provided for in the **Insurance Act, TVET Act** and other relevant legislation respectively.
3. Accreditation is the preserve of the Government through the Ministry of Education, Science and Technology (MOEST) for tertiary institutions and Commission for University Education for universities. The Superior Courts in Kenya have pronounced themselves on the accreditation being championed by either professional bodies or other institutions in Kenya as follows:
 - i. The Supreme Court in Kenya on **Petition No. 19 of 2015**. The bench ruled that Engineering Board of Kenya (a professional body) has powers to register members and that such powers did not include the power to accredit and approve pre-qualification engineering courses offered by universities.

*↓
separation of duties from post & pre qualification*

- ii. The High Court of Kenya made a ruling on **Petition No. 425 of 2015**. The judge declared that the Council for Legal Education has no jurisdictions on its own to accredit or withdraw accreditation of Moi University Law School.
- 4. It would be dangerous for the proposed Bill to confer powers to IIK to provide pre-qualification training and certification for its potential members, yet this has been provide by COI.
- 5. A professional body like IIK, **which is a single entity to be vested with enormous powers** such as to **control** of **potential** members' *pre-service training, accredit training providers, control standards and quality assurance in the training and examinations chain process, award certificates* and finally *admit qualifiers into their membership roll* and continue to **provide CPD, discipline and reward members** in as propagated by the Insurance Professionals Bill is dangerous and **potently hegemonic**.
- 6. AKPIA agrees to and asserts the present arrangement which is as follows:
 - i. **COI - Pre-qualification certification activities:** covering curriculum development, training control, examinations and certification etc.
 - ii. **IIK - Post qualification activities:** covering registration of members, CPD, licensing, discipline etc.

CONCLUSION

1. We as AKPIA submit on the Insurance Professionals Bill 2024 that the provisions on the entire Part V — Insurance Professionals Examinations Board be expunged from the proposed Bill as follows.
 - i. 16. (1) to (3), The Examination Board
 - ii. 17. (1) to (2), Membership of the Examinations Board *- Include professional agents.*
 - iii. 18. (1) to (4). Registrar to the Examinations Board.
 - iv. 19. (1) to (3). Functions of the Examinations Board
2. Include the representation of agents in the examination board by inserting section 17(g) into the Bill. Representation of insurance agents in the examination board will inspire their confidence and motivate most agents to be members of the Insurance Institute of Kenya.
3. AKPIA further submit that section 5. (d), (e) (g), (h) of the Bill on functions of IIK be expunged from the Bill. These provisions contradict or in conflict to the current mandate and functions of ITET and COI as established under the following legislative provisions:
 - i. Insurance (Amendments) Act 1993 on mandate of ITET and COI mandate on insurance training and education.
 - ii. Education Act Cap 211 repealed & TVET Act 2013 - 833: Part IV – 17. (1) (2) (3) and Section 26 (1) (d), (2) (c) on licensing of College of Insurance and further its accreditation.

Yours faithfully,

12/08/2024

Clifford Ochieng
CHAIR PERSON

THE ASSOCIATION OF KENYA PROFESSIONAL INSURANCE AGENTS – AKPIA

INSURANCE TRAINING & EDUCATION TRUST

College of Insurance
P.O. Box 56928- 00200, Nairobi, Kenya
Tel: 020 - 2325785/2325881/2329493/2619242
Mobile: 0722 509759, 0734 600320
Red Cross Rd South C



COLLEGE OF INSURANCE TEXT BOOKS PUBLICATION

STATUS OF BOOKS DEVELOPMENT

1. **Books within Printing:**
 - i. Legal Aspects of Insurance – Camera ready. Awaiting printing approval
 - ii. Advance Reinsurance – Camera ready. Awaiting printing approval
2. **Books in design stages**
 - i. Entrepreneurship – Design
 - ii. General insurance - Under editorial reviews
 - iii. Quantitative Techniques - Design reviews
 - iv. Financial Aspects of Retirement Funds - Under editorial reviews
 - v. Retirement Benefits Practice, Law and Taxation – Editing fast tracked
 - vi. Principles and Practice of Insurance – Under design
3. **New books under development:**
 - i. Fundamentals of General Insurance – Submitted for editorial review
4. **Books under revision:**
 - i. Motor Insurance Underwriting and Claims. Peer review of the revised draft underway.
 - ii. Introduction to Insurance COP. Revised draft is in final stages of completion by
 - iii. Introduction to Long Term Assurance Business for COP.
 - iv. Introduction to General Insurance Business for CPO.
 - v. Principles and Practice of Motor Insurance for COP.
5. **Books under initial peer review**
 - i. Principles and Practice of Insurance. Peer reviewer.
 - ii. Insurance Broking. Book referred to author for specific review.
 - iii. Marine Insurance. Peer reviewer to provide a comprehensive report on the book
6. **Books under initial write up**
 - i. Agriculture Insurance. Write up near completion
 - ii. Bancassurance. Draft write in progress
 - iii. Business Interruption Insurance. Promised to complete write up to be submitted by end of May 2023.
 - iv. Engineering and Construction Insurance. Draft write up submitted but returned to author for polishing
 - v. Retirement Benefits Fund Management.
 - vi. Aviation Insurance. Reported writing in progress
 - vii. Health Insurance. Under state of write up
 - viii. Principles and Practice of Marketing. Draft write up returned to author for polishing. Yet to provide update.
 - ix. Financial Management. Author has two chapters to finalise write up.

PRINTED BOOKS

Title	Level	Year of Publication
1. Introduction to Insurance	CCI & Diploma	
2. Information Technology & Its Application in the Insurance Industry	CCI & Diploma	
3. Fundamentals of Insurance of the Person	CCI & Diploma	
4. Fundamentals of General Insurance	CCI & Diploma	
5. Economics for Insurance	Diploma	
6. Principles & Practice of Management	Diploma	
7. Fundamentals of Risk Management	Diploma	
8. Motor Insurance Underwriting and Claims	Diploma	
9. Liability Insurance Underwriting and Claims	Diploma	
10. Fire and Relate Perils Insurance	Diploma	2019
11. Fundamentals of Insurance	CCI	2019
12. Fundamentals of Bancassurance	COP	2020
13. Trustee Development Book	Proficiency	2020
14. Fundamentals in Marine Insurance -Cargo	COP	2021
15. Fundamentals of Health Insurance	COP	2021

E-learning Books

Title	Level	Year of Publication
1. Fundamentals of Insurance	COP	2016
2. General Insurance Practice	COP	2016
3. Long Term Business	COP	2016
4. Motor Insurance	COP	2018
5. Marine	COP	2018
6. Introduction to Insurance	Diploma	2017
7. Principles and Practice of Insurance	Diploma	2017
8. Legal Aspects of Insurance	Diploma	2017
9. Communication Skills	Diploma	2017
10. Information Communication Technology	Diploma	2017
11. Financial Accounting	Diploma	2017
12. Life Assurance	Diploma	2017
13. General Insurance	Diploma	2017
14. Quantitative Techniques	Diploma	2017
15. Entrepreneurship	Diploma	2017
16. Economics	Diploma	2017
17. Marketing	Diploma	2017
18. Principles and Practice of Management	Diploma	2017
19. Financial Management	Diploma	2017
20. Risk management	Diploma	2017
21. Fire Insurance Underwriting and Claims	Diploma	2017
22. Motor Insurance Underwriting and Claims	Diploma	2017
23. Liability Insurance	Diploma	2017
24. Life Assurance Law Practice and Administration	Diploma	2021
25. Life Assurance Underwriting and Claims	Diploma	2021

PUBLICATION DEPARTMENT

DATED THE 3rd DAY
OF May 1988

MARCELLIN NJOROGE MURUTHI
ALEXANDER THURANIRA KHAMINCHIA
ABDALLAH BAKHIT BEKAH
GARY EUGENE COLEMAN
WILLIAM GITHAIGA MURUNGU
PETER GICHOHI MURIITHI
JOSEPH MUNENE MURAGE
ERNEST GEORGE BUNYASSI

DECLARATION OF TRUST
INSURANCE TRAINING AND EDUCATION TRUST

Ndungu Njoroge & Kwach

ADVOCATES
P.O. BOX 41546
BRUCE HOUSE
NAIROBI, KENYA

11/432/88/1

67
606
THIS DECLARATION OF TRUST is made this 3rd day of May
One Thousand Nine Hundred and Eighty-eight by

1. MARCELLIN NJOROGE MURUTHI
P.O. BOX 43505
NAIROBI.
2. ALEXANDER THURANIRA KHAMINCHIA
P.O. BOX 30271
NAIROBI.
3. ABDALLAH BAKHIT BEKAH
P.O. BOX 40709
NAIROBI.
4. GARY EUGENE COLEMAN
P.O. BOX 30364
NAIROBI.
5. WILLIAM GITHAIGA MURUNGU
P.O. BOX 34172
NAIROBI.
6. PETER GICHOHI MURIITHI
P.O. BOX 72973
NAIROBI.
7. JOSEPH MUNENE MURAGE
P.O. Box 30190
NAIROBI.
8. ERNEST GEORGE BUNYASSI
P.O. BOX 20425
NAIROBI.

(hereinafter together called "the Trustees" which expression shall where the context so admits include the Trustees or Trustee for the time being of the

trust hereby declared and any co-opted Trustees):

WHEREAS:

- (1) The Trustees have voluntarily and collectively decided to establish the Trust Fund as hereinafter described for the object and purpose set out herein:
- (2) The Trustees have received and now hold the sum of Kenya Shillings One Thousand (K.Shs.1,000/-) for the charitable purposes hereinafter appearing and anticipate that they will from time to time receive further sums of money or assets for the same purposes:

NOW IT IS HEREBY DECLARED by the Trustees as an irrevocable trust that they hold and will henceforth hold the said sum of Kenya Shillings One Thousand (K.Shs.1,000/-) and all further sums of money and assets which they may from time to time receive for the purposes of the trust hereby declared (all of which said sums of money and/or assets and the proceeds of sale thereof and any investments for the time being representing the same and all income therefrom are hereinafter together called "the Trust Fund") UPON TRUST and with and subject to the powers and provisions following that is to say:-

1. The name of the trust hereby declared is "INSURANCE TRAINING AND EDUCATION TRUST" (hereinafter called "the Trust").
2. The Primary Object of this Trust is the establishment and management of an institution for educating and training personnel for the Insurance industry.
3. The Secondary Object of this Trust is the advancement of education in the field of insurance whether in the Republic of Kenya or elsewhere of persons who are for the time being resident in the Republic of Kenya.
4. The Trustees shall retain or pay out of the Trust Fund all expenses reasonably incurred by them in raising or receiving contributions thereto or in the administration thereof but subject only to retention or payment of such expenses shall stand possessed of both the capital and the income of the Trust Fund UPON TRUST to apply the same (at such times and in such manner as they may in their discretion deem fit) in or towards the objects of the Trust.
5. The Trustees shall have powers:-
 - (a) To apply for incorporation under the provisions of the Trustees (Perpetual Succession) Act (Chapter 164 of the Laws of Kenya) as "Insurance Training and Education Trust Registered Trustees";
 - (b) To apply to the Commissioner of Income Tax to exempt income of the Trust Fund from taxation;
 - (c) To buy take on lease or otherwise acquire (including acquisition by

gift) assets of all kinds whether movable or immovable as are in their opinion from time to time required for better fulfilment of the Objects of this Trust;

- (d) To solicit by public appeal or otherwise within Kenya or elsewhere donations, grants, gifts, legacies and bequests either in cash or in kind whether for the general purposes of this Trust or for any specific purpose which is within the Objects of this Trust or any of them from individuals, companies, corporations, firms, aid agencies, associations, governmental authorities or other sources;
- (e) To construct such buildings on any immovable property which is for the time being comprised in the Trust Fund and to make such other improvements of any such immovable property of all kinds as they consider necessary or desirable for the better fulfilment of the Objects of this Trust;
- (f) To expend such moneys and to incur such liabilities for the maintenance of the Trust Fund or any part thereof or for the establishment and management of such an institution or for any scholarships, bursaries, grants, loans, awards and other systems of relief for the purpose of advancement of education in the field of insurance;
- (g) To employ such lecturers, teachers consultants, accountants, auditors, managers, secretaries, clerks, labourers and others for such periods and on such terms as to remuneration or otherwise as they from time to time consider necessary or desirable for the better fulfilment of any of the Objects of this Trust;
- (h) To borrow such moneys as they may from time to time require for the better exercise of any of the foregoing powers and to give such security (if any) for repayment thereof as they think expedient;
- (i) To invest any moneys which are for the time being surplus to immediate requirements by way of deposits or in the purchase of or at interest upon the security of such stocks funds shares securities or other investments or property of whatsoever nature and wheresoever situate and whether producing income or not and whether involving liability or not or upon such personal credit with or without security as they may in their absolute discretion think fit to the intent that the Trustees shall have the same full and unrestricted powers of investing and varying investments in all respects as if they were absolutely and beneficially entitled thereto;

- (j) To grant leases and tenancies of any immovable property for the time being comprised in the Trust Fund for such periods and on such terms as regards rent or otherwise as they think expedient;
- (k) To sell or otherwise dispose finally of any property or assets from time to time comprised in the Trust Fund on such terms as they think fit;
- (l) To promote the formation of such companies with such objects as they may from time to time regard as conducive towards the fulfilment of all or any of the Objects of this Trust and at their discretion to acquire shares therein with or without some measure of control thereof;
- (m) Subject to consent in writing of the Government of Kenya and the Association of Kenya Insurers (or any other body replacing the same) and subject also to any conditions attached to such consent pertaining to the distribution of the proceeds of the Trust Fund to dissolve this Trust by a resolution signed by all the Trustees;
- (n) To co-opt additional Trustees not exceeding ~~5~~ in number and such co-opted Trustees shall exercise the same powers and have the same responsibility like any other Trustee under this Trust; Provided that a co-opted Trustee shall hold office for such period as shall be determined by the Trustees;
- (o) To execute all legal and other documents and any such documents (other than bank cheques and other bank instructions or orders) shall be considered properly executed if executed by any Two Trustees;
- (p) To make and vary rules and regulations for the proper management and administration of this Trust but without prejudice to the generality of the foregoing to make and vary rules and regulations for the following purposes:-
 - (i) the establishment and management of such an institute including rules for the qualifications and selection of eligible students and the scheme of studies;
 - (ii) establishment of the criteria and procedure for the selection of beneficiaries of scholarships, bursaries, grants, loans, awards and other systems of relief or appreciation;
 - (iii) the appointment and retirement of employees;
 - (iv) the raising of funds for the Trust.
- (q) Generally (and without limitation of such generality by the foregoing context) to do all such acts and things as may seem to them to be

necessary or desirable as directly or indirectly conducive towards fulfilment of any of the Objects of this Trust.

6. Meetings and decisions of the Trustees shall be regulated as follows, that is to say:-

- (a) The Trustees shall meet at intervals of not more than Three calendar months;
- (b) At the first meeting of the Trustees and thereafter at intervals of three years the Trustees shall elect one of their number to be Chairman and another of their number to be Vice-Chairman;
- (c) The Chairman or in his absence the Vice-Chairman shall convene meetings of the Trustees as and when he considers the same necessary or desirable for the proper conduct of their business or any two Trustees by written notice to the Chairman require the same (subject to the minimum number of meetings prescribed by paragraph (a) of this Clause);
- (d) The quorum for a meeting shall not be less than half of all the Trustees: Provided that any meeting at which there is no quorum within half an hour after the time appointed for the meeting shall automatically stand adjourned to the same day of the next week at the same time and place and four Trustees shall then constitute a quorum;
- (e) Decisions shall (except as provided by Clause 14 hereof) be by majority vote of those Trustees present at any meeting, and in the event of equality of votes the Chairman shall have a casting vote;
- (f) A resolution in writing signed by all the Trustees, as alternative to a meeting, shall constitute a valid decision;
- (g) Proper minutes shall be kept of all meetings and resolutions of the Trustees; and
- (h) In all other respects the Trustees shall regulate their own procedure.

7. The Trustees may from time to time at their discretion delegate all or any of their powers or duties under these presents

- (a) To such committees (consisting of Trustees and/or others) as they may appoint: or
- (b) To any one of the Trustees alone.

on such terms and conditions as they think proper.

8. The Trustees may also at their discretion seek and accept professional or other advice with regard to the performance of any of their duties or the exercise of any of their powers with or without payment for such advice.

9. All moneys from time to time received by or on behalf of the Trustees shall

be paid forthwith into a bank or banks selected by the Trustees and (with the exception only of any imprest accounts opened by the trustees for operation by specified officers not exceeding K.Shs.500/- each at any one time) shall not be withdrawn therefrom otherwise than under the signatures of at least two persons designated for that purpose by the Trustees.

10. The Trustees shall before the commencement of each calendar year cause to be prepared and approved a budget of both recurrent expenditure and capital expenditure for that year with power nevertheless to authorise modifications thereof at any time or times during the same year: Provided that

- (a) Approval of every such budget shall require the concurrence therein of the Trustees; and
- (b) there shall be no recurrent expenditure or capital expenditure otherwise than in accordance with the budget so approved without the consent of the Trustees.

11. The Trustees shall cause proper accounts of the Trust Fund and of all dealings therewith and of all undertakings and activities in relation thereto to be kept at all times and once in each calendar year to be audited and presented to them for their approval.

12. If and so often as any Trustee is absent from Kenya he may subject to approval by his co-Trustees either by formal power of attorney or by informal writing under his hand appoint any other person to be his representative for all purposes of these presents during such absence; and any representative so appointed shall during such absence have the like powers duties and status in all respects as if he was himself a Trustee.

13. Any Trustee may be employed by the Trustees in any capacity for such period with such powers and duties and on such terms and conditions with or without remuneration as they from time to time think fit.

14. All or any of the provisions of these presents other than the Primary Object of this Trust may at any time or times be modified or extended (including the addition of further Secondary Objects) in such manner and to such extent as all the Trustees may from time to time by Supplemental Declaration in writing under their hands determine.

15 (a) The office of a Trustee shall ipso facto be vacated:-

- (i) If he becomes bankrupt or makes any arrangement or composition with his creditors generally;
- (ii) If he becomes of unsound mind;
- (iii) If he be absent from Two consecutive meetings of the Trustees

without leave of absence from the Trustees and the other Trustees resolve that his office be vacated;

- (iv) If by notice in writing to the other Trustees he resigns his office;
- (v) If he is requested in writing by all his co-Trustees to resign;
- (vi) If he is no longer working or employed in the Insurance industry.

(b) The Trustees may appoint any person to replace any deceased or retired Trustee.

16. The Trustees shall be indemnified and at all times remain indemnified out of the Trust Fund against all debts liabilities claims and damages incurred or made against them in their capacity as Trustees of this Trust.

IN WITNESS the said Trustees have each set their respective hands and affixed their respective seals the day and year hereinbefore written.

SIGNED SEALED AND DELIVERED by
MARCELLIN NJOROGE MURUTHI in
the presence of:-

[Signature]
 E. G. BUNYASSI
 ADVOCATE
 P. O. BOX 44036
 NAIROBI

[Signature]



SIGNED SEALED AND DELIVERED by
ALEXANDER THURANIRA KHAMINCHIA
in the presence of:-

[Signature]
 E. G. BUNYASSI
 ADVOCATE
 P. O. Box 44036
 NAIROBI

[Signature]



SIGNED SEALED AND DELIVERED by
ABDALLAH BAKHIT BEKAH in the
presence of:-

[Signature]
 E. G. BUNYASSI
 ADVOCATE
 P. O. Box 44036
 NAIROBI

[Signature]



SIGNED SEALED AND DELIVERED by
GARY EUGENE COLEMAN in the
presence of:-

E. G. Bunyasi
E. G. BUNYASSI
ADVOCATE
P. O. BOX 44036
NAIROBI

Gary Eugene Coleman

SIGNED SEALED AND DELIVERED by
WILLIAM GITHAIGA MURUNGU in the
presence of:-

E. G. Bunyasi
E. G. BUNYASSI
ADVOCATE
P. O. BOX 44036
NAIROBI

William Githaiga Murungu

SIGNED SEALED AND DELIVERED by
PETER GICHOHI MURIITHI in the
presence of:-

E. G. Bunyasi
E. G. BUNYASSI
ADVOCATE
P. O. BOX 44036
NAIROBI

Peter Gichohi Muriithi

SIGNED SEALED AND DELIVERED by
JOSEPH MUNENE MURAGE in the
presence of:-

E. G. Bunyasi
E. G. BUNYASSI
ADVOCATE
P. O. BOX 44036
NAIROBI

Joseph Munene Murage

SIGNED SEALED AND DELIVERED by
ERNEST GEORGE BUNYASSI in the
presence of:-

KENYA NATIONAL ASSURANCE CO. LTD.

Ernest George Bunyasi
Company Secretary/Legal Officer

Ernest George Bunyasi

INSURANCE TRAINING & EDUCATION TRUST

College of Insurance
PO Box 56928- 00200, Nairobi Kenya
Tel 020 - 2325785/2325881/2329493/2619242
Mobile 0722 509759, 0734 600320
Red Cross Rd South C



COLLEGE OF INSURANCE

CURRICULUM DESIGN

1. DIPLOMA OF PROFICIENCY I INSURANCE (COP)

Sales Agents

COMPULSORY

No.	Subject/unit
1	Fundamentals of Insurance
2	Insurance Sales
No.	OPTIONS
1	Long Term Insurance
2	General insurance
3	Motor Insurance and Assessment
4	Health Insurance
5	Marine Insurance
6	Bancassurance
7	Micro insurance
8	Takaful

2. DIPLOMA IN CERTIFICATE INSURANCE (CCI)

Sales Agents/clerical cadre

No.	UNITS
1	Fundamentals of Management
2	Records Management
3	Business Calculation
4	ICTL
5	Customer Care
6	Internship

No.	COMPULSORY
1	Fundamentals of Insurance Practice
2	Insurance Sales
3	Communications Skills
No.	OPTIONAL Take any two
1	Long Term Insurance
2	General Insurance
3	Health Insurance

4	Marine Insurance
5	Banc assurance
6	Micro insurance
7	Takaful

INSURANCE

MODULE I (Clerical)

No.	UNITS
1	Principles and Practice of Insurance
2	Legal Aspects of Insurance
3	Underwriting Practice
4	Claims Practice
5	Business Calculation and Statistics
6	Communication Skills

MODULE II (Technician)

No.	UNITS
1	Insurances of the Persons
2	General Insurance
3	Reinsurance Principles and Practice
4	Insurance Sales and Marketing
5	Principles and Practice of Management
	OPTIONS
6	Insurance Broking Practice
7	Health Insurance Practice
8	Banc assurance
9	Micro insurance
10	Takaful
11	Pension Principles and Practice

MODULE III (Specialist)

COMPULSORY

No.	UNITS
1	Risk Management
2	Financial Management
3	Strategy, Governance and Ethics
4	Internship/Project

**ELECTIVES/OPTIONS
LIFE ASSURANCE**

No.	UNITS
1	Life Assurance Practice and Administration
2	Financial Aspects of Life Business
3	Life Assurance Underwriting and Claims

PENSIONS

No.	UNITS
1	Retirement Benefits Practice, Law and Administration
2	Financial Aspects of Retirement Funds
3	Retirement Benefits Fund Management

GENERAL INSURANCE OPTION A ELECTIVES

No.	UNITS
1	Fire Insurance Underwriting and Claims Management
2	Motor Insurance Underwriting and Claims Management
3	Liability Insurance Management
4	Business Interruption Insurance Management
5	Engineering and Construction Insurance Management
6	Reinsurance and its Application (Advance Reinsurance)
7	Advance Insurance Broking

GENERAL INSURANCE OPTION B ELECTIVES

No.	UNITS
1	Marine Insurance Management
2	Aviation Insurance Management
4	Reinsurance and its Application (Advance Reinsurance)
5	Health Insurance Management
6	Agriculture Insurance Management
7	Micro-Insurance Management
8	Bancassurance Management
9	Advance Insurance Broking

HEALTH INSURANCE OPTION

No.	UNITS
1	Health Social Security Schemes
2	Financial aspects of Health Insurance Business

3	Health Insurance Underwriting Practice
4	Distribution of Health Insurance Products
5	Health Insurance Claims Practice

LOSS ADJUSTING AND RISK SURVEYING OPTION

No.	UNITS
1	Application of Principle of Insurance in Loss Adjusting
2	Claims in Loss Adjustment
3	Customer Service and Ethics for Loss Adjusting

REINSURANCE OPTION

No.	UNITS
1	Reinsurance Underwriting
2	Reinsurance Claims
3	Reinsurance Accounting



The document contains COI policy guidelines, Rules and Regulations governing examinations management operations

EXAMINATIONS POLICY

1. The conduct of examinations shall be based on sets of rules and regulations developed by the Examinations Department and approved for implementation by the Examinations Council and ITET Academic and Administration Committee.
2. The Examinations Department shall be responsible for discharging examinations functions based on the established examinations management framework structures and systems.
3. The College shall endeavor to uphold the established quality, professional and ethical standards in discharging its examinations functions.
4. The College values the use of best practices in its examinations and shall be the one of the vehicles to propel COI to the status of a global center of excellence.
5. The College shall provide enabling environment for effective and efficient management of its examinations activities and processes.
6. The College shall develop irreproachable, uncompromising, predictable and consistent examinations instruments of assessment that shall measure, grade and rank candidates into their appropriate abilities and merit.
7. The College shall endeavor to develop measures and strategies that shall ensure that integrity and professionalism permeate all examinations activities and processes.
8. The College shall award professional certificates that shall command unquestionable respect wherever they are used.
9. Conscious of various risks associated with examinations, the College shall develop reliable mitigation strategies.
10. COI shall undertake to review its policy positions, rules and regulations regularly to respond to changes in the operating environment.

EXAMINATIONS RULES AND REGULATIONS

Introduction

College of Insurance certificates are documents awarded to its graduates who are successful in their examinations. The certificates must be related to expected work performance/output. COI

certificates should resonate powerfully with the public. This can only be achieved if COI examinations are uncompromising, predictable and reliable.

An examination is the tool of assessment that determines the levels a candidate has acquired or developed knowledge, skills and attitudes. They are tools used for grading candidates into their respective abilities and merit. In that case examinations must be predictable and consistent and handled with uncompromising integrity. Examinations should meet high threshold in quality and professional standards. Examinations therefore should be irreproachable tools of assessment. They should be developed and processed with diligence, professionalism and ethical practice.

Any person handling examinations should be honest, has very strong moral principles that may not be compromised, be of high professional standards with a determination not to lower them.

Examinations are processed through many stages. These stages may be categorized as follows:

- I. Setting and moderation of examination question papers.
- II. Printing and packing of examinations scripts and materials.
- III. Logistics, distribution and collection of examinations materials
- IV. Conduct of examination:
 1. Invigilation of examinations.
 2. Candidates' conduct during examinations process.
- V. Marking of examinations scripts
- VI. Processing and validation of examinations results
- VII. Printing of examinations transcripts and certificates
- VIII. Issuance of transcripts and certificates.

There are several activities involved in each process. Each process has various tasks to be accomplished. These tasks may include some aspect of quality control measures. The operations of each of these activities are governed by sets of rules and regulations. There are some general rules and regulations that govern the conduct of examinations across several activities whereas others are specific to certain functions only.

General Examinations Rules

1. All COI examinations shall be taken at the College of Insurance Main Campus and Mombasa Campus and any other campuses as may be established from time to time and centers designated for examinations only.

2. At the beginning of each semester, the Examinations Department shall declare certain dates for various examinations. Such dates shall include Continuous Assessment Tests (CATs) final examinations for various papers.
3. The Department shall release the examinations timetables in good time for the lecturers and students preparation.
4. The Examinations Department shall be responsible for setting, moderation, printing and storage of examinations papers.
5. The Examinations Department shall be responsible for the logistics of organizing and distribution of examinations materials and papers to the examinations centers, invigilation of the examinations and movement of scripts to College of Insurance main campus.
6. The Examinations Department shall be responsible for organizing marking of the examinations scripts and grading of candidates' performance.
7. The Examinations Department shall be responsible for processing the examinations results and their release.
8. Examinations Department shall engage the services of other members of staff in carrying out various activities related to the conduct of examinations at various stages of examinations processing.
9. The Examinations Department shall engage professional staff within or outside COI to carry out certain examinations related services e.g. test development and marking.
10. The Examinations Department to strictly make use of the established structures, systems and mechanisms in executing various examination tasks.
11. The department shall uphold the established quality, professional and ethical standards while carrying out various examinations tasks.
12. The staff to be involved in some sensitive examinations tasks shall be vetted.
13. Due diligence shall be observed in every examinations tasks undertaken by either the departmental staff or other persons engaged to avoid any discrepancy that may cause irreparable damage on the integrity of the examinations and image of the College.
14. Payment to persons who have rendered examinations related services should be timely.
15. Examinations activities shall be carried out following the best international practice and in line with the College aspiration of being a center of global excellence.
16. The College from time to time shall undertake to review its various examinations fees and payments for services provided to it by other people.
17. The College shall review examinations related fees charged to its students for various examinations papers to make them reflect the market rates.
18. The College shall undertake to review its examinations rules and regulations regularly.

SETTING AND MODERATION RULES AND REGULATIONS

Introduction

Most test development activities such as setting, moderation and proofreading are carried out by contracted professionals (experts involved in insurance training and practice). Test development uses subjects' panels in discharging most of the examinations functions. The responsibility of the test developer is therefore to coordinate the work of contracted professionals to ensure that the established quality standards of various papers are complied with, ethical practices in setting and moderation are upheld and tasks are accomplished within the required timelines.

Setting

Setting should be carried out by persons with the required academic and professional training and experience within the discipline they are required to set. Preferably such persons should have undergone some training in test development. They should also be persons of high integrity with an uncompromising, predictable, consistent commitment of moral, principles and ethical values. These are the persons that should be entrusted in carrying out setting of examinations question papers.

Examination being the assessment tool used in the determination of knowledge, skills and attitudes candidates have developed or acquired through their training, they should be papers of very high quality. The quality of examinations question papers is wholly dependent on the ability of the setters' capacity to interpret the syllabus objectives and content. These being professional examinations, the nature of the questions should be based on work output characteristics.

Examinations question paper is a tool for assessment of knowledge and skills acquired through training. They should be set in a professional and consistent manner that should reflect the standard established for COI examinations. In that regard, setting of COI examinations should be handled in accordance with the following rules:

1. Test developer to commission contracted professionals as setters for each paper and give them two weeks to submit their draft question papers.
2. Test developer to provide the following document to the setters:
 - a. The Syllabus.
 - b. The table of specification.
 - c. Immediate past papers.
3. The setters to submit **hand written question papers and their marking schemes** to the Examinations Department.
4. Payment associated with setting is a fixed rate per paper as follows:

Level	CAT	Rate	Final Exam	Rate
E/COP				
COP				
CCI				
DIP I				
DIP II				
DIP III Compulsory				
DIP III Elective				

- The department to produce adequate copies of question papers and their marking schemes for moderation.

Moderation

- Moderation panels shall have between 3-5 members. The members should be knowledgeable in the subject area being moderated. The test developer is the chairman of the panel and the setter is the secretary.
- The setter shall take notes of decisions made and adjust the questions and marking schemes as directed.
- The setter shall read back the amendments to the panel for confirmation.
- The moderators shall be contracted professionals engaged on work to work basis
- The test developer shall convene a moderation panel meeting to moderate a paper.
- The moderation exercise shall be carried out in days not exceeding two.
- The panel is supplied with copies of the following document:
 - The syllabus.
 - The tables of specification.
 - Immediate past papers.
 - Question papers and their marking schemes.
- The paper is subjected to the following process and scrutiny:
 - Question paper pegging.
 - Eliminating repetitions.

- c. Individual question vetting and interrogation.
 - d. Paper balancing.
 - e. Rewriting of the vetted question paper and marking scheme.
9. The panel hands in the following documents to the department:
- a. Handwritten moderated question paper and its marking scheme.
 - b. The syllabus.
 - c. The tables of specification.
 - d. Immediate past papers. Photocopies of question papers and marking schemes.
 - e. Completed setting claims forms by the contracted moderators.
 - f. Any other confidential wastes such as papers that might have been used during moderation.
 - g. The confidential waste should be kept until such a time when the question paper has been printed and safely stored.
10. The department then undertakes to key in the question paper.
11. Payment associated with moderation is a fixed rate per paper as follows:

Level	CAT	Rate	Final Exam	Rate
E/COP				
COP				
CCI				
DIP I				
DIP II				
DIP III Compulsory				
DIP III Elective				

PRINTING AND PACKING

Introduction

This function shall be carried out by a test developer. This is the officer that is in custody of the Examinations Papers Bank. The person is responsible for development and custody of examinations question papers. The officer should be the one to select the examination question paper to be printed for a particular series of examinations.

1. The Test Developer shall receive the examinations time table from the Examination Administration Section to be able to program the printing of examinations question papers.
2. The Test Developer also receives the papers' profile in relation to its candidature to assist in the determination quantities of paper to be to printed.
3. The Test Developer further receives the candidature centers and paper profiles to facilitate packing, marking and labeling of the examinations question papers into their respective centers.
4. Printing examinations question papers under strict security surveillance.
5. The Test Developer packs examinations question papers in relation to candidature centers paper statistics.
6. It is the sole responsibility of Test Developer to adopt appropriate security measures during typesetting, proofreading, printing, packing, sealing and handling confidential wastes.
7. The Test Developer should determine suitable protective and durable packing materials for examinations papers.
8. The Test Developer takes custody of the materials used to generate the printed materials for safe keeping.
9. The Test Developer hands over the packed examinations question papers to the Examinations Administration accompanied with proper documentation and accountability.
10. Payment associated with proofreading is a fixed rate per paper as follows:

Level	CAT	Rate	Final Exam	Rate
E/COP				
COP				
CCI				
DIP I				
DIP II				
DIP III Compulsory				
DIP III Elective				

EXAMINATION ADMINISTRATION

Conduct of Examinations

The conduct of examinations is a very sensitive exercise that requires diligence, efficiency and strictness in implementing examinations rules and required ethical practice by both departmental staff and contracted professionals. The Examination Administration Section performs a wide range of examinations functions. These functions include distribution and collection of examinations materials, invigilation of examination, marking, processing of the CATs and final examination marks and preparation of examinations results. These persons shall be vetted.

EXAMINATIONS REGISTRATION

Examination registration process is the last stage of registration of COI students. COI students registration starts with their admission into various courses they are enrolled. Their enrollment shall indicate the course units/papers they are shall sit for CAT and final examinations. Examinations fees are paid upfront together with other fees. The Examinations Department shall therefore pick the details of candidates from the Admission Office.

1. The Examinations Administration Section to verify admission documents and generate examinations registrations data.
2. The Section allocates index number to each candidate.
3. Generation of data required for printing and packing of examination papers and other materials.
4. The Section prepares candidates nominal roll for each paper and examination center.
5. Preparation of individual master rolls for each course.
6. Preparation of examinations exemptions/credit transfers cases for further use. Exemption may, on application be granted to COI registered student who are holders of recognized certificates in various courses except in Diploma in Insurance technical course units/papers and in Module III both in compulsory and elective sections. Otherwise exemptions shall be granted on paper by paper basis. Exemptions criteria shall be reviewed regularly. Rules of exemptions shall be published in separate annexure.
7. Preparation of examinations identification documents.
8. Examinations centers are identified.
9. Examinations centers are contracted.
10. Appropriate secure places are identified for storage of examinations materials are identified.

DISTRIBUTION AND COLLECTION OF EXAMINATIONS MATERIALS

The Examination Administration prepares a list of examinations requirements for each series such as candidates' nominal roll per paper and per center, candidature per paper and per center, stationery requirement for each examinations question papers and per center.

1. The Examination Administration procures adequate examinations stationery required for an examinations series.
2. Examinations Administration Section receives and verifies packed examinations question papers from test development section to ensure that they conform with the specifications that were supplied to them. Any discrepancy is sorted out immediately.
3. The Examination Administration consolidates the examinations question papers into their respective centers package/packet.
4. It also consolidates the required examinations stationery per center.
5. Organizes the distribution of examination materials their security and secure storage at the examinations centers.
6. Organizes the collection of examination scripts and other relevant materials from examinations centers to COI.

EXAMINATIONS INVIGILATION AND SUPERVISION

This is a crucial stage in examinations management. Examinations supervision and invigilation is wholly carried out by contracted professionals. Most of these professionals may not be vetted and hence extreme care should be taken in their selection and workload assignment.

1. All Examinations Presiding Officers (Supervisors) must be COI staff other than the staff working in the Examinations department. They must also be the College's serving lecturers.
2. Invigilators should preferably be from the neighborhood of the examination centers.
3. The presiding officers are appointed by the head of Examinations Administration Section.
4. The invigilators are appointed by the Head of Section and where possible with assistance from course centers organizers.
5. Examination Briefing:
 - a. The Head of Examinations Administration Section shall brief the presiding officers on the expected ways of conducting the examinations. It is in this forum where all issues pertaining to examinations in general and in some cases issues peculiar to some centers discussed.
 - b. Examination documentation required shall be availed.

- c. Briefing of invigilators and candidates will assist in managing examinations at the center in following ways;
 - i. adequacy of examination rooms to accommodate the candidates,
 - ii. sitting arrangement,
 - iii. checking of items permitted or not allowed in examinations rooms
 - iv. other issues related to orderly conduct of examinations invigilation
 - d. Candidates conduct before, during and after sitting each examination paper.
 - e. Roles of presiding officers and invigilators before, during and after administering each examination paper.
 - f. The briefing to be conducted for invigilators at the examinations centers.
 - g. Payment rates for performing various tasks related to the conduct of examination.
6. Payment associated with administration of examination is a fixed rate per session as follows:

Level	CAT	Rate per session	Final Exam	Rate per session
Presiding Officer				
Invigilator				
Center Coordinator				
Security				
Hire of Exam Halls				

- 7. Such payment may be adjusted incase examinations center is outside Kenya.

RULES GOVERNING THE CONDUCT OF STUDENTS IN THE EXAMINATION ROOM

- 1. Candidates should present themselves for the examination at least 30 minutes before the scheduled time for the commencement of the paper they are taking.
- 2. A candidate who arrives more than an hour after the start of an examination paper shall not be allowed to sit the examination. An incidence report must be made on such a case in the prescribed form.

3. A candidate shall not be allowed to withdraw from the examination within the first half hour nor within the last 15 minutes except in the case of emergencies.
4. Each candidate shall be assigned a registration number, which shall also appear on the admission permit. Candidates must display their admission permit (folded to show their name, address and registration number) on the left hand side of the desk throughout the examination and should take it away when they leave exam room.
5. The names of the candidate must not appear anywhere on the answer sheets.
6. Stationery shall be provided but candidates must bring their own pens, pencils, rulers, ink, etc.
7. Examination stationery shall be provided in the examination room. No stationery whatsoever may be removed from the examination room. However a candidate must bring his/her blue or black ink pens, pencils and rulers.
8. Candidates must not carry the examination papers from the examination room.
9. Strict silence must be observed during the entire period of the examination.
10. Candidates must not possess any notes, printed papers or books in the examination room but must surrender any such documents with the Presiding Officer. Candidates using clipboards or folders must ensure that such clipboards/folders have no writings on them whatsoever.
11. Candidates may use silent battery or solar powered non-programmable calculators in the examination. The invigilators may seek information regarding the model of calculator used.
12. Candidates shall be required to show satisfactory proof of their identity to any examination official who requests it. The following are acceptable as identification:
 - a. Current passport or
 - b. National identity card containing the candidate's photograph and signature
 - c. Student registration card.
13. Smoking is prohibited in the examination room.
14. Candidates must not collude in the examination room in any way by exchanging notes or placing the answer booklet in such a manner that another candidate can read or copy from the booklet.
15. Impersonation in the examination room is a serious offence and shall be dealt with very severely by the Council.
16. During the examination, no candidate may leave the examination room without permission from the invigilator.
17. Candidates must not leave the examination room with any answer booklet.
18. Candidates must not enter the exam room with cell phones. Failure to observe this rule shall attract heavy penalty.

19. Candidates with medical or other specific disabilities may apply to the Board for consideration of their cases provided such requests are received before the final closing dates.

20. Disciplinary Action for Breach of the Examination Rules

Disciplinary action shall be taken against any candidate found to be in breach of the COI examination rules and regulations. These rules and regulations include but not limited to the following:

- a. Inadequate identification.
- b. Impersonation of a candidate by another.
- c. Collusion between or amongst candidates during examination.
- d. Possession of notes by a candidate in the examination room.
- e. Taking away answer booklets.
- f. Writing names on the scripts.
- g. Possession of cell phones in the examination room.
- h. Carrying the examination question paper from the examination room.

21. The action for breach of COI examination rules and regulations shall include but not limited to the following:

- a. De-registration as a COI student.
- b. Nullification of candidate's results.
- c. Prohibition of taking future COI examination.
- d. Suspension in taking future COI examination.
- e. Written reprimand and warning.

22. Withholding of a candidate's result is not a punishment but a temporary measure awaiting the outcome of an investigation by a competent body. The outcome of such investigation may absolve the candidate and results released or confirm a breach of the rules and regulations and accordingly the candidate penalized.

23. The Council reserves the right to notify the relevant regulator or any other body for the disciplinary action taken on one of their members.

EXAMINATIONS MARKING RULES AND REGULATIONS

Introduction

Marking is an expression of judgment about the quality of work done by a candidate/student/trainee at school or college. In other words it is an assessment and grading of student's/candidate's work whether in a written oral or practical form. The assessment is carried out by awarding specific scores or marks to correct responses to the required tasks. Assessment and grading of candidates work is the thrust of an examiners job. Examiners work is to mark the candidates' scripts and score them appropriately. The marks score for each script forms the basis for candidates' performance and subsequently grading in their certificates.

COI has several examinations it conducts in a calendar year. These examinations include CATS and final examinations. Marking of CATs is centralized and shall be treated under similar process as final examinations except that they shall not be subjected to external examiner process.

Examinations Marking Process

Examination marking is a process that involves several stages. Each stage may consist of a single or several activities. There are a set of rules and regulations governing the conduct of each of such activities. The stages in the marking process are:

- I. Coordination of Marking Scheme
- II. Apportionment of examination scripts
- III. Marking of scripts
- IV. Coordination of the marked scripts by senior examiners
- V. Transfer of scripts scores to mark sheets
- VI. Handing over examinations materials to Examinations Department

Coordination of Marking Schemes

1. This is a discourse involving senior examiners and ordinary examiners where they discuss marking scheme and question paper. It is the process of understanding/interpreting the marking scheme in order to gain an insight on the way responses provided in each question relate to the tasks of the question.
2. Marking requires an examiner to interpret candidate's presentation of facts/argument and relate them to points canvassed by the marking scheme.
3. Any desirable amendments to the marking scheme may be made at this juncture.
4. All examiners must participate in the exercise.

Dummy Marking:

1. Development of uniform capacity of examiners to be applying the marking scheme accurately is the objective of coordination. This is achieved by use of dummies during the coordination.
2. The number of dummies marked during the coordination may range from 3 – 5 depending how fast the examiners bridge the deviation gap between 0 - + OR - 2 the normal mark preferred/agreed in the scheme.

Marking of Scripts

1. Marking is basically carried out by individual marker whether singly or in groups using conveyer method approach.
2. Examiners are allocated/apportioned reasonable number of scripts.
3. Equity in the apportionment of scripts to examiners should be observed so long as it does not unnecessarily extend the timelines for the marking exercise.

4. Each question must be marked and its total scores made against the question.
5. Total marks for the section should be indicated against the section
6. Marks should be accurately transferred from individual questions/sections inside the answer booklet to its first/front page.
7. Where possible the marked scripts should undergo cross checking by a different examiner or checker to enhance accuracy.

Coordination by Senior Examiner

1. During the marking of live scripts especially for papers with senior examiners, the senior examiners are expected to coordinate (remark) 10% of ordinary examiners work on a continuous basis.
2. This is supposed to ensure that ordinary examiners keep on marking within acceptable standard.
3. However if an ordinary examiner continuously deviates by abnormal margin he/she shall be asked to remark the scripts that were handled by him/her. But if he/she persists with such deviation, and in the interest of the candidates he/she shall be stopped from marking further scripts.
4. Examiners whose performance may not be consistent with the marking requirement may be retired from participating in such future exercise.

Mark Sheet Management

1. Marking is not deemed complete unless the total marks are manually transferred to the computer mark sheet.
2. It is the responsibility of the examiner to transfer the total marks score for each candidate from the script to the mark sheet. The examiner signs the mark sheet.
3. The scores in the mark sheet are captured in the system and the byproduct given back to the examiner for confirmation of the accuracy of the captured data. The examiner again signs the document as attestation of accuracy of the record.

End of Marking Session and Exit Procedure

1. The examiner prepares a report of the paper in accordance to specification provided.
2. The examiner completes examination payment claim form based on the tasks performed in accordance to the agreed terms of marking.
3. The examiner finally hands over the two mark sheets, marked scripts, the question paper, marking scheme and examinations claim form to the Officer of the Examinations Department for verification.
4. The Examinations Department takes custody of the examinations materials handed by the examiners.

5. The mark sheets are the documents that shall be processed further.

External Examiner

1. The marked scripts for each paper shall be made available to external examiners.
2. The external shall sample 10% of the scripts using appropriate sampling technique.
3. The spread of the sample should be representative enough for scores' range coverage and any other criteria applicable.
4. The external examiner to mark the sampled scripts using the very marking scheme used by the examiners.
5. The scores by the external examiner are recorded in the mark sheet provided.
6. The external examiner shall determine the mean
7. The external examiner to prepare a report on the paper in relation to the task as provided in the terms of marking.
8. The external examiner completes examinations claims form.
9. The report, examinations claim form, mark sheet, sampled scripts, marking scheme and question paper are handed over to the department and the external examiner exits the scene.
10. Examinations marking payments:
 - a. Payment associated with marking of examinations scripts is a fixed rate per paper for each category of examination.
 - b. Other payments related to marking of examinations scripts includes a basic fees paid to various categories of examiners in regard to certain services they perform that are related to marking such as marking administrative duties, coordination of marking schemes and entry and confirmation of marks from the scripts to mark sheets.
 - c. Examinations marking rates are as follows:

Consolidation of Marks

1. The Examinations Department shall consolidate CATs and final examinations marks in respect of each candidate to determine the final scores.
2. The raw marks shall be further processed into the final scores for each candidate.

Examinations Marking Rates

Level	CAT	Basic fee	Script fee	Final Exam	Basic fee	Script fee
E/COP	Examiner			Examiner		
	C/examiner			C/examiner		
	E/examiner			E/examiner		
COP	Examiner			Examiner		
	C/examiner			C/examiner		
	E/examiner			E/examiner		
CCI	Examiner			Examiner		
	C/examiner			C/examiner		
	E/examiner			E/examiner		
DIP I	Examiner			Examiner		
	C/examiner			C/examiner		
	E/examiner			E/examiner		
DIP II	Examiner			Examiner		
	C/examiner			C/examiner		
	E/examiner			E/examiner		
DIP III Compulsory	Examiner			Examiner		
	C/examiner			C/examiner		
	E/examiner			E/examiner		
DIP III Electives	Examiner			Examiner		
	C/examiner			C/examiner		
	E/examiner			E/examiner		

EXAMINATIONS RESULTS PROCESSING AND VALIDATION

The candidates' raw marks scores achievement in each paper is further processed into examinations results.

Processing Marks

1. The Examinations Department analyses performance of each paper by using reports from examiners both senior and external.
2. Data captured for marks of each paper is used to determine:
 - a. Standard deviation.
 - b. Paper mean.
3. Capture the pass mark boundaries of each paper as recommended by both senior and external examiners.
4. Identify any pertinent issues highlighted in the reports that may impact on the performance in the paper and consequently affect the results.
5. Prepare the performance analysis report highlighting issues that shall be used in fixing grade boundary for each paper and any other issue that may impact on the results for individual candidate or the results of the entire paper by the Examinations Technical Committee.
6. If there is need to annex certain information that may assist the Committee in arriving at some decision then such information should be included in the report.

Examinations Results Validation

This is carried out at two levels – Examinations Technical Committee and Examinations Council.

Examinations Technical Committee

1. The Examinations Department presents the following reports to the Committee for decision making:
 - a. Examinations performance analysis for each paper.
 - b. Senior and external examiners reports for each paper.
 - c. A summary of recommendations including grade boundaries and their justifications
2. Decisions of the Committee should include the following:
 - a. Grade boundaries and justifications

- b. Results with issues to be addressed highlighting their nature and course of action to be taken.
 - c. Any other issue that may require being addressed by some competent organs.
3. The resolutions of the Committee to be part of the report to be compiled for the Examinations Council.

Examinations Council

1. The Examinations Technical Committee report is presented to the Council for deliberations and decision making.
2. The Committee's report is discussed and issues regarding examinations results made.
3. The Council usually ratifies or varies the Committee's recommendations related to examinations results.
4. The Council may also make some decisions with specific recommendations on certain issues.

Contested Examinations Results

Certain examinations results may be contested by some candidates. This is within their rights to challenge the results they are not comfortable with. The following rules shall apply whenever results are challenged:

1. The candidate shall submit its ground for results challenge in writing within 30 days after the release of examinations results.
2. The challenge of a particular result shall be accompanied by the requisite non refundable challenge fee.
3. Challenge fees shall be as follows:
 - a. **Re-marking is Kshs...**
 - b. **Other challenges including cancelled results Kshs...**
4. The Head of Examination Department shall compile the necessary information relevant to the case that should include materials fact.
5. The Head of Examinations shall convene the Examinations Technical Committee to discuss the case.
6. The Committee shall make decision regarding the case.
7. If the decision is remarking, the script of the candidate shall be assigned to a different examiner to mark using the marking scheme used during the marking of that paper whose result is reported to the Committee.
8. In case of cancelled results the Committee decision shall include further investigations by special body with specific terms of reference and reports to the Committee.
9. The Committee meets to deliberate on the outcome and submit a report to the Examination Council meeting.

10. The verdict of the Council shall be final.
11. The outcome of the challenged results should be finalised within 45 days from the date the challenge was filed. These shall minimise subjecting candidates to unnecessarily prolonged uncertainty.

EXAMINATIONS IRREGULARITIES

Examinations irregularity is a behavior or action that is not in conformity with its examinations rules and regulations. It is expected that rules and regulations that govern the COI examinations should be upheld by everybody in the examination chain. Everybody here refers any person who may be involved in handling examinations at all stages of their development, administration, processing and validation. These persons include examinations departmental staff; other COI staff involved in handling examinations in one way or another; contracted professionals assigned certain functions and examinations candidates. The COI examinations rules and regulations cover virtually the process of examinations cycle. The non-conformity to any of these rules and regulations constitutes examination irregularity. Each irregularity has its own sanction. Breaches of some of the rules and regulations have their sanctions specifically stated while others shall be at the discretion of the head of examinations department, examinations officers concerned or the Examinations Technical Committee and Examinations Council.

ANNEX I

EXEMPTIONS RULES AND REGULATIONS

The College of Insurance is keen to accommodate students with certain qualifications who wish to migrate into its programs. The College shall recognize the degrees, diplomas and certificates from both local and foreign universities and other institutions so long as they meet accreditation requirements under the TVETA ACT 2013 or recognition and equation criteria under the Commission for University Education Act 2012.

In this regard the College shall maintain a register for all accredited public and private universities in Kenya. The list shall also include the local accredited tertiary institutions and professional bodies. Names of relevant foreign professional bodies shall also be on that register. Certificates from the list of institutions in the register shall be dealt with at the College without any reference from the Commission for University Education.

The College shall expeditiously carry out this exercise in accordance with the following rules and regulations:

1. Exemption may be granted to a subject only if over 75% of its course content has been substantially covered by the one in which exemption is sought. The College may request for production of the syllabus, question papers among other documents for accurate comparative course contents' assessment.
2. Exemption may be considered for a course if the applicant has completed it and a certificate awarded and transcripts issued. The College may grant exemption upon

- completion of a module where the course is conducted on a modular basis for professional courses.
3. The certificates to be equated for the purposes of exemptions must have been awarded by the institutions recognized under the Kenya laws. These institutions are:
 - i. Accredited public and private universities
 - ii. Accredited Tertiary Institutions
 - iii. Kenya National Examinations Council (KNEC)
 - iv. Kenya Accounts National Examinations Board (KASNEB)
 - v. Kenya Institute of Management (KIM)
 - vi. Kenya School of Monetary Studies (KSMS)
 - vii. Insurance associated foreign professional bodies such as;
 - a. Chartered Insurance Institute (CII)
 - b. Life Offices Management Association (LOMA)
 - c. Insurance Institute of South Africa (ISA)
 - d. Insurance Institute of India (IIA)
 - e. Any other internationally recognized professional body
 4. Holders of degrees, diplomas and certificates from universities and other institutions outside Kenya must obtain a letter on Evaluation of Foreign Qualifications from the Commission for University Education in accordance with University Act 2013.
 5. The student that is seeking exemptions submits an application to the Director, College of Insurance in a prescribed form.
 6. Exemptions may be granted up to a maximum of 50% for courses other than CII, LOMA, IISA, IIA among others.
 7. Exemptions may not be granted in Insurance related technical subjects except in B. Com Insurance option and LLB as shown in the tables below.
 8. The application must be accompanied with the following;
 - a. Original and photocopies of academic and professional certificates and transcripts, ID/passport, student's ID.
 - b. Requisite examinations fees paid for exemptions.
 - c. Exemptions fees equivalent to the examinations fees for the subject(s) that exemption(s) is/are sought.
 9. The Examinations Department shall compile requests for exemptions and table them in the Examinations Technical Committee for discussion.
 10. The Committee scrutinizes each applicant and makes a decision.
 11. Approved cases of exemptions are presented to the Examination Council for ratification.
 12. Rejected cases are communicated to the applicant with sufficient justification for their rejection.
 13. There could be some application that may be referred. Again the reasons for their referral should be communicated to the application specifying issues to be addressed.
 14. Exemptions fees are non-refundable.
 15. The College shall grant exemption up to a maximum of the courses it offers for certification except for CII and other similar ones.

Exemption Guidelines for Degree Qualifications

Type of Degree	Exempted Subject
Bachelor of Law (LLB)	DIP 103, DIP 104
Bachelor of Business Administration (BBM)	
Bachelor of Commerce (B.COM) Insurance	
Bachelor of Commerce (B.COM) Accounting	
Bachelor of Commerce (B.COM) Marketing	
Bachelor of Arts Economics	
Bachelor of Actuarial Science	
Bachelor of Information Technology	
Bachelor of Arts	
Bachelor of Science	
Bachelor of Education (B.ED) Arts	
Master of Business Administration (MBA) Finance	
Master of Business Administration (MBA) Marketing	
Master of Business Administration (MBA) Management	
Master of Business Administration (MBA)	

Exemption Guidelines for Professional Qualifications

Type of Professional Qualification	
Chartered Institute of Insurance (CII)	Exemption based on course units/subjects as per existing Mutual Recognition on Qualifications agreement with CII



REPUBLIC OF KENYA
THE NATIONAL TREASURY AND ECONOMIC PLANNING

COMMENTS ON INSURANCE PROFESSIONALS BILL, 2024 (NATIONAL
ASSEMBLY BILL NO 13 OF 2024

Section	Issue	Current Bill	The National Treasury (TNT) Comment
4 (2)	Categories of membership IIK	Clause 4(2) limits the membership to the Insurance Institute of Kenya (IIK) to only two categories, i.e. Fellows and Associates	<ul style="list-style-type: none">• IIK currently has affiliate members, comprising of corporates and professionals who provide services to the insurance industry, whose professional and service standards should be regulated• Corporate members and affiliates are unfairly excluded from membership in the Bill without any legal or policy justification. The law will therefore stifle the growth of the insurance industry instead of facilitating it. It is worth noting that other comparable jurisdictions such as Uganda and South Africa's insurance institutes have affiliate and corporate members• The benefits to be derived from affiliate and corporate membership include:<ul style="list-style-type: none">○ Membership fee collection to support IIK○ Market conduct standard can be enhanced if corporates and affiliates are bound by standards of practice/ conduct○ Insurance penetration will be enhanced
4 (2)	Description of IIK membership	<ul style="list-style-type: none">• Fellows, comprising those members who have successfully completed Fellows of the Chartered Insurance Institute of London (FCII) or Fellow of Insurance Institute of	<ul style="list-style-type: none">• The description of membership incorrectly describes memberships by examinations bodies. The description of membership should be separated from examination and examining bodies.

ps/ae

Section	Issue	Current Bill	The National Treasury (TNT) Comment
		<p>Kenya (FIIK) examinations offered by chartered Insurance Institute of London (CIIL) and Insurance Institute of Kenya (IIK) respectively or any other institution accredited by the examinations board to offer such a qualification</p> <ul style="list-style-type: none"> • Associate members comprising those members who have successfully completed ACII or AIIK examinations offered by CIIL and IIK respectively or any other institution accredited by examination board 	<ul style="list-style-type: none"> • While it is necessary to recognize the historical link between Kenya insurance sector and CIIL, this recognition should not disadvantage other institutes offering the same including the local ones and already practicing insurance practitioners who may not have gone through CIIL. It should be recognized that education and training landscape has greatly changed and currently there are more emerging institutions offering specialized trainings in many fields including insurance. These should also be given a level playing field in the market. • The scope of IIK does not include examinations as described in clause 4 • Unless the validity of the qualifications of current insurance professionals are expressly recognized, this clause may adversely disrupt/ destabilize Kenya's insurance industry i.e (if the mandatory practicing certificate – clause 40- is implemented) • The discriminating effects of the clause could provide a basis for legal challenge of the Bill, once enacted
15(1)		The Council shall appoint a Registrar who serves under the Executive Director.	<ul style="list-style-type: none"> • There is risk of conflict of interest, given that both the Registrar and Executive Director are appointed by the Board. The flow of responsibility/operations of the institute may be affected.
Part V	Funding for Insurance Professional Examinations Board	Throughout the Bill, no provision is made for funding of the Examinations Board.	<ul style="list-style-type: none"> • The Bill is silent on sources of funding for the examinations Board • The bill should specify sources of funding for the Examination Board
40	Transition of insurance professionals to the new legal regime	The Section provides a transition period of 12 months for insurance professionals	<ul style="list-style-type: none"> • There is need to bring more clarity on the existing professionals and those who intend to join on the actual steps that would be taken for them to be admitted, including development of an objective criteria for admission.

ps/cas

Section	Issue	Current Bill	The National Treasury (TNT) Comment
			<ul style="list-style-type: none"> It is necessary to determine whether the IIK already exists in any form and the make appropriate legal provisions for transition of its assets and obligations once the law is in force.
Part V & Third Schedule	Insurance Professionals Examinations Board	Although Part V has no provision on the Chairperson of the Examinations Board, the provisions have been placed in the Third Schedule.	<ul style="list-style-type: none"> The provisions on the Chairperson of the Examinations Board should be promoted to Part V on the Insurance Professionals Examinations Board
31 (2)(a)	Disciplinary Committee	The Chairperson of the Disciplinary Committee shall be a person qualified to be appointed to be a judge of the High Court	<ul style="list-style-type: none"> The Disciplinary Committee should be a derivative of the Institute, without necessarily demanding qualifications to be appointed a judge of the High Court.
4 th Schedule Para 4 (1) & 8	Fundamental rights and freedoms of witnesses in disciplinary proceedings	The provision was accepted without amendment	<ul style="list-style-type: none"> It was considered that this paragraph should be deleted, bearing in mind that it is the Disciplinary Committee's very duty to prove a charge against an insurance professional The provision may possibly infringe on the rights of an individuals serving as witnesses in disciplinary cases as provided for in the Bill of Rights in the Constitution

DR. CHRIS KIPTOO, CBS
THE PRINCIPAL SECRETARY/NATIONAL TREASURY

Mr. Benjamin Maguk



THE NATIONAL ASSEMBLY

THIRTEETH PARLIAMENT - FIFTH SESSION
DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

COLLEGE OF INSURANCE MEMORANDA

ON

INSURANCE PROFESSIONALS BILL 2024 (*NATIONAL ASSEMBLY BILL NO 13 OF 2024*)

TO

THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING
ON AUGUST 13TH 2024

Our comments are confined to the following aspects of the Bill:

1. PART I - Preliminary – Interpretation
2. PART II The Insurance Institute of Kenya
3. PART V— Insurance Professionals Examinations Board
 - i. Section: 16. (1) to (3), **The Examination Board**
 - ii. Section: 17. (1) to (2), **Membership of the Examinations Board**
 - iii. Section: 18. (1) to (4). **Registrar to the Examinations Board.**
 - iv. Section: 19. (1) to (3). **Functions of the Insurance Professionals Examinations Board**
4. PART VI: Practicing Certificates and Registration of Insurance Professionals
 - i. Section 25 (1)
5. PART VIII – Miscellaneous Provisions
 - i. Section: 35
 - ii. Section: 36

6. **THIRD SCHEDULE: The Examinations Board Members of the Examinations Board –1, 2, 3, 4, 5.**

7. **Memorandum of Objects and Reasons**

- i Preamble/Introductory statement
- ii Part V
- iii Part VIII
- iv. Statement that the Bill is a Money Bill within the meaning of Article 114 of the Constitution

CLAUSE	PROPOSED AMENDMENT	JUSTIFICATION
<p>Part I - Preliminary Interpretation</p>	<p>Part I – Preliminary Section 1 - Short title – Delete “ establishment of the Insurance Professionals Examinations Board”</p>	<ol style="list-style-type: none"> 1 There is the Examinations Council, a body already in existence created within the structure of the Insurance Training and Education Trust (ITET). 2. ITET is a body established to provide insurance education and training in 1989 under Trustees (Perpetual Succession) Act Chapter 164 Laws of Kenya a copy is herein attached and marked Appendix E 3 Under the provision of the Insurance Act Cap 487, ITET is mandated by the provision for providing insurance professional training and qualifications. 4 The Insurance Professionals Examinations Bill thus intends to accord the Insurance Professionals Examinations Board the role of the Examinations Council currently being performed by COI within the scope of ITET mandate 5. What would be the rationale to duplicate functions already being discharged?
<p>Part II The Insurance Institute of Kenya</p>	<p>Delete “accredited” in section 4 sub-section(2) (a) and (b)</p>	<ol style="list-style-type: none"> 1. Pursuant to the Memorandum on Refusal to Assent of The Insurance Professional Bill 2022 (No. 5 of 2022) recommended the amendment by deletion and substitution of clause (4) and sub-clause (2)

		<p>2. Presence of accreditation in the version of same bill irrespective of such advisory is of a concern to us.</p> <p>3. Further, accreditation by professional bodies is outlawed by the following court rulings:</p> <ul style="list-style-type: none"> i. Supreme Court of Kenya ruling on Petition No. 19 of 2015 ii. High Court of Kenya ruling on Petition No. 425 of 2015
<p>PART V— Insurance Professionals Examinations Board</p> <p>16. (1) to (3), The Examination Board</p> <p>17. (1) to (2), Membership of the Examinations Board</p> <p>18. (1) to (4). Registrar to the Examinations Board.</p> <p>19. (1) to (3). Functions of the Examinations Board</p>	<p>1. Delete <i>entire Part V</i> Insurance Professionals Examinations Board as follows:</p> <ul style="list-style-type: none"> i. Section 16 (1) (a),(b), (c), (d) (e) ii. Section 17 (1) (a), (b), (c), (d), (e), (f). iii. Sections 18 (1), (2) (3), (4). iv. Sub-section 19 (1) (a), (b), (c), (d), (e), (f). Section 25 only subsection (1) (a) 	<p>The establishment, functions and operational framework as envisaged by the provisions of Part V - Insurance Professionals Examinations Board is/would be identical to ITET and College of Insurance (COI) already in existence and operation under the following legal framework:</p> <ul style="list-style-type: none"> 1. ITET is a body established under Trustees (Perpetual Succession) Act Chapter 164 Laws of Kenya a copy is hereby attached marked Appendix E 2. Insurance (Amendments) Act 1993 on mandate of ITET and COI on insurance training and education. 3. Education Act Cap 211 repealed & TVET Act 833 2013: Part IV – 17. (1) (2) (3) on requirements as follows: <ul style="list-style-type: none"> i. COI is registered as training provider license no. MOHEST/PC/1151/09 under TVET Act section 17 - registration and licensing of institution and 20 (1) and registers under 25 (1). ii. Section 26 (1) (d), (2) (c) – COI Accreditation - Kenya Gazette Notice No.1464 Vol. CXV - No. 18 of 8 February 2013 to train, examine and award certificates in the following programs: <ul style="list-style-type: none"> a) Certificate of Proficiency in Insurance (COP) b) Certificate in Insurance (CCI) c) Diploma in Insurance iii. College of Insurance pre-qualification certification

		<p>attached as appendix marked "B"</p> <ul style="list-style-type: none">iv. COI has a mutual recognition agreement on insurance professional qualifications with the Chartered Insurance Institute (CII) of London that is reviewed regularly.v. Moreover COI insurance qualifications are widely used in EAC countries and the rest of Africa as shown in the attached document. This therefore means that Section 19 (d) is already functional and hence redundant.vi. COI model of insurance training is increasingly being adopted in many African countries. Particularly, Uganda has fully adopted it while South Africa, Ghana, Zambia, Ethiopia and Burundi are currently being assisted by COI to implement insurance training in their respective countries.vii. Section 19 (e) of the Bill is well covered by ITET and COI in the book development for insurance discipline. It has developed well over 20 insurance related books not only being used by its students but by universities within Africa. The list of books developed is herein attached as appendix marked "C". <p>8. The amendment being sought in Part V of Insurance Professionals Examinations Bill and by extension the Third Schedule is intended to preserve the gains already made by ITET and COI in the insurance pre-qualification training and certification it has provided since 1989 and 1991.</p> <p>9. The current insurance programs provided by ITET and COI have produced about 40.000 insurance professionals operating at various levels of insurance profession in Kenya and the region. There is therefore no vacuum in insurance professional training and qualification at the moment in in Kenya that may warrant section V and by extension the Third</p>
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		<p>Schedule.</p> <p>10. IIK is currently using College of Insurance pre-qualification certification to admit holders of COI certification into its membership and ranking them various titles.</p> <p>11. Alternatively, a separate bill for ITET and College of Insurance would be the most ideal legislation if there were to be the need for single legislation for insurance training and certification would have be most welcome.</p>
Part VI – Practicing Certificates and Registration of Insurance Professionals	Section 25 (a) Delete “Examinations Board” wherever it appears in the text and substitute it with “College of Insurance”	College of Insurance is accredited under the TVET Act 833, 2013 to offer insurance courses and award certificates to various certificates. COI has certified insurance professionals since 1997.
Third Schedule – The Examinations Board	Delete Sections 1, 2, 3, 4 and 5	Third Schedule was dependent on Part V of the Bill and once that part is deleted then the schedule is rendered redundant.
Part VIII – Miscellaneous Provisions	Delete: <ul style="list-style-type: none"> i. “the examinations board” from Section 35 (1) ii. Section 35 (2) (a), (b) (c) and (d) 	Deletion of Part V from the bill as has been argued renders the referred sections in Miscellaneous Provisions redundant
Memorandum of Objects and Reasons	<ol style="list-style-type: none"> 1. Delete the entire Part V of Memorandum of Objects and Reasons of the Insurance Professionals Bill. 2. Delete the phrase “the Examinations Board” wherever they are in the text of Part VIII of Memorandum of Objects and Reasons 3. Delete “Statement that the Bill is a Money Bill within the meaning of Article 114 of the Constitution” 	<p>There is in existence ITET with a legal mandate to justify their establishment. For this reason Part V and subsequent Part VIII of the Memorandum of Objects and Reasons of the Bill would be duplicating ITET currently carrying out insurance professional training qualification within same insurance industry landscape.</p> <p>The” Money Bill statement.....” is in conflict with the Insurance Act in as far as ITET. The intended Money Bill aspect of the Insurance Professional Bill is seeking funding for the purpose of Insurance training that is already being provided by ITET under the same arrangement.</p>

Court Pronouncement related to some of the provisions of the Bill:

		<p>is entrenched within TVET Act under sub section 26 (1) (d), (2) (c) through the Kenya Gazette Notice No.1464 Vol. CXV - No. 18 of 8 February 2013 as captured in (ii) above)</p> <ol style="list-style-type: none"> 4. Consequently sections of Part V of the Insurance Professionals Examinations Bill and by extension the Third Schedule is a duplication of services the ITET and COI has performed since 1989. 5. Pursuant to ITET mandate, COI was established in 1992 and has trained and certificated over 40,000 insurance professionals. This renders section 16 of the Bill irrelevant. 6. ITET has elaborate operational governance structure that has navigated insurance professional training, examinations and certification to date. Section 17 and 18 of the Bill is therefore a duplication of services within the insurance industry as provided on the ITET 7. ITET Board has committees handling services envisaged in section 19 of the Bill as follows: <ol style="list-style-type: none"> i. Insurance Sector Skills Advisory Council (ISSAC) handling curriculum issues on a regular basis. The current program present has 55 course units as contained in the COI Information Booklet hereby provided. ii. COI insurance curriculum is reviewed after every five years. Currently COI has developed 78 course units for the insurance and related industry. A copy of its curriculum design is hereby attached as appendix "A" iii. Examinations Council – has developed examinations governance structures with elaborate systems and processes for its examinations management. This takes care of Section 19 (b) and (c) of the proposed Bill. Elaborate examinations rules and regulations is herein
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- i. **Control of potential members' pre-qualifying certification** in the chain process (develop training courses, accredit training providers, control standards and quality assurance in the chain process, offer examinations, certification awards)
- ii. **Control of post qualification qualifiers** in this chain (admit qualifiers into membership roll, license practitioners, provide CPD, maintain discipline by censorship or reward)
- iii. **Prequalifies, registers, rewards and sanctions**

We should be note the following about insurance:

1. Insurance is a highly regulated industry.
2. It is also international in nature.
3. It is diverse in operations
4. It is operated within strict legal regime and principles.
5. It is regulated in Kenya by IRA to:
 - i. Promote its growth,
 - ii. Maintaining conduct of business within rules and regulations.
 - iii. There are well over 15 sets of operating regulations to monitor stakeholders operations
 - iv. Monitor adherence to insurance operation rules
 - v. Regulate insurance stakeholders including players service providers and consumers
 - vi. Protecting public interest through legislations
6. There many stakeholders within the insurance industry well captured in the Insurance Act with specific roles

Observation

1. It would be a bit dangerous to accord on stakeholder i.e. IJK such enormous power as to:
2. Control pre-qualification of insurance professionals (its potential members),
3. Control post-qualification (CPD) of its members,
4. Registers professionals through its own pre-qualification standards,
5. Maintenance of professional membership through its professional standards

The superior courts in Kenya have pronounced themselves on the accreditation being championed by either a professional body or training provider in Kenya as follows:

- i. The **Supreme Court** in Kenya on **Petition No. 19 of 2015**. The bench ruled that Engineering Board of Kenya (a professional body) **has powers to register members and that such powers did not include the power to accredit and approve pre-qualification engineering courses offered by universities.**

Comments

Implications of the ruling on the powers conferred to Insurance Professionals Bill on Section 4. Sub-section (2) (a) and (b) over" removed powers of "**accreditation**" from professional bodies and consequently such powers is an affront to the court ruling.

- ii. The **High Court** of Kenya made a ruling on **Petition No. 425 of 2015**. The judge declared that the **Council for Legal Education has no jurisdictions on its own to accredit or withdraw accreditation of Moi University Law School.**

Comments

Comments

Implications of the ruling on the powers conferred to Insurance Professionals Bill on Section 4. Sub-section (2) (a) and (b) over" removed powers of "**accreditation**" from professional bodies and consequently such powers is an affront to the court ruling.

It would be dangerous for the proposed Bill to confer similar powers and others IIK (a professional body) over aspects of pre-qualification training and certification for its potential members.

A professional body like IIK, **a single entity to be vested with enormous powers as envisaged in Part II 3, 4, 5; Part IV 13, 14, 15; Part V 16, 17 particularly (f), 18, 19; Part VI 20, 21, 22, 24 – 26, 27 – 28; Part VII Discipline among others is summarized as follows:**

This is dangerous and is **potently hegemonic**.

There should be power balance

Powers such as pre-qualification insurance training and certification should be retained by COI.

Post qualification training (CPD) practicing members should be IIK for effective and efficient services to the industry.

Welfare of members

per

INSURANCE REGULATORY AUTHORITY

MEMORANDUM ON THE INSURANCE PROFESSIONALS BILL, 2024

Clause	Issue	Recommendation	Rationale
2	Interpretation	Deletion of Clause 2 definition of "Insurance Consultant" Deletion of Clause 2 definition of "Managing Agent"	There is no provision for registration of "Insurance Consultant" under the Insurance Act. The Insurance Act has no definition for "Managing Agent" and they are prohibited under Section 72 of the Insurance Act.
4(1)	Typographical error	Amend Clause 4(1) to read that 'the membership of the Institute shall be comprised of individuals who have been registered in accordance with this Act'.	To correct a typographical error in Clause 4(1), which renders the Clause unintelligible.
4(2)	Membership of the Institute	Review Clause 4(2) to remove the list of membership qualifications and recognize qualifications	The listing of membership qualifications in the Bill is limiting and may be construed to exclude insurance

consultancy is prohibited

Clause	Issue	Recommendation	Rationale
		obtained from other insurance professional institutions globally.	<p>professionals holding qualifications obtained from countries other than Kenya and UK.</p> <p>Other recognizable qualifications from insurance professional institutions include:</p> <ol style="list-style-type: none"> 1. Fellow, Life Management Institute- LOMA (Life Office Management Association). 2. Advanced Diploma- Chartered Insurance Institute, UK. 3. Diploma in Insurance(Fellow) - Insurance Institute of India. 4. Certified Insurance Professionals (Fellow)- Australian and New Zealand Institute of Insurance and Finance. 5. Advance Chartered Insurance Professionals- Insurance Institute of Canada.

Clause	Issue	Recommendation	Rationale
			6. Fellow of the Insurance Institute of South Africa (FIISA)- Insurance Institute of South Africa.
4(3)	Typographical Error	Replace the word 'Institution' with 'Institute'.	To correct the apparent typographical error, since the drafting intent appears to have been to make reference to members of the Institute.
10(4)	Role of the Secretary to the Council	<p>Amend Clause 10(4) as follows –</p> <ol style="list-style-type: none"> 1. Separate the role of Secretary of the Council from that of the Executive Director. 2. Provide that the Secretary to the Council shall be a member of the Institute of Certified Secretaries (ICS Kenya) who shall be competitively recruited. 3. Provide that other qualifications of the Secretary to the Council 	The role of Secretary to the Council is critical for adoption of effective governance practices in the Institute. Separation of the role from the Executive Director will (i) enhance effectiveness through specialization, and (ii) promote transparency and accountability through establishment of maker-checker roles within the Institute's governance framework.

Clause	Issue	Recommendation	Rationale
		shall be determined by the Council.	
10(5)	Qualifications of Executive Director	Amend Clause 10(5) to provide that the Council shall have power to set the managerial, technical, experience and other qualifications of the Executive Director.	The role of Executive Director is managerial in nature. Therefore, qualifications other than insurance practice are necessary for the office holder to operate effectively. The Bill however does not give the Council power/discretion to set the other qualifications and experience required of the Executive Director.
19	Functions of the Examinations Board	Amend Clause 19 to confer the Examinations Board with powers to confer recognition to foreign insurance professionals' qualifications for purposes of their registration as insurance professionals under the Act.	The Bill does not provide for recognition of foreign qualifications other than the UK qualifications (FCII and ACII). Recognition of foreign insurance professionals as listed under the proposal in Clause 4(2) above is essential

Clause	Issue	Recommendation	Rationale
			for development of Kenya's insurance industry.
20(e)	Practising as an Insurance Professional	Delete Clause 20 (e)	There is no provision for registration of "Insurance Consultant" under the Insurance Act.
Part VI- 21,22, and 23	Practicing Certificates and Registration of Insurance Professionals	Delete Clause 21,22, and 23 of Part VI of the Bill with respect to Practicing Certificates.	<p>IRA is mandated under the Insurance Act to license insurance professionals including those who are listed under Clause 20 (2) of Part VI of the Bill with the exception of "Insurance Consultant" under Clause 20 (2)(e) who are not recognized under the Insurance Act.</p> <p>Issuance of Practicing Certificates by IIK brings conflict with the Insurance Act where IRA has the sole mandate to issue practicing licenses to persons who conduct insurance business.</p>

Clause	Issue	Recommendation	Rationale
			IIK should limit their mandate to registration of membership of insurance professionals and issuance of membership certificates.
24	Penalty for making false statements in an application for registration.	Enhance the Kes. 50,000 fine imposed for making false statements in an application for registration as an insurance professional.	The fine may be considered low and hence an ineffective deterrent measure.
25	Qualification for Registration	Delete Clause 25(1)(c) of the Bill.	<p>The Clause limits insurance professionals to Kenya citizens only. This may limit the human resources expertise and capital available for developing the insurance industry.</p> <p>The proposal may also contravene the provisions of key treaties ratified by Kenya on the free movement of labour and capital, including the EAC Treaty.</p>

Clause	Issue	Recommendation	Rationale
			<p>The continuity of foreign insurance professionals practising in Kenya will also be prejudiced by the proposal. Further, this will contradict the Government's policy to make it easier and more attractive to invest and conduct financial services and related activities in and from Kenya.</p> <p>A cost and benefit analysis accordingly favours deletion of Clause 25(1)(c).</p>
27(1)(b)	Register	Amend Clause 27(1)(b) to replace the requirement for the Registrar of the Registration Committee to keep a register in which the particulars of the Practising Certificate and replace the requirement with Membership Certificate.	Clause 27(1)(b) should refer to the Membership Certificate rather than the Practising Certificate.

Clause	Issue	Recommendation	Rationale
27(5)(b)	Register	Amend Clause 27(5)(b) to replace Practicing Certificate with Membership Certificate.	Clause 27(1)(b) should refer to the Membership Certificate rather than the Practicing Certificate.
28	Cancellation of Registration	Amend Clause 28 to provide that a person's registration may be cancelled at his/her own request.	Clause 28 does not provide for cancellation at the member's request.
30(1)(l)	Practicing in the name of an insurance professional	1. At Clauses 20 -24 and 30, clarify whether a practicing certificate is necessary for an insurance professional to practice.	The Bill is not clear on whether a member of the Institute requires a practicing certificate to practice as an insurance professional. Clause 30(1)(m) however makes it a disciplinary offence for one to allow a person who is not an insurance professional to practice in his/her name.
30(1)(m)	Discipline	1. Amend Clause 30(1)(m) to provide that it shall be a disciplinary offence for a person to continue in partnership with a person who is not an	Clause 30(1)(m) currently provides that it is misconduct for an insurance professional to enter into a partnership or receive business through the services of a person who does not hold a

Clause	Issue	Recommendation	Rationale
		<p>insurance professional, including one whose membership of the institute has been cancelled.</p> <p>2. Provide an exemption for insurance professionals who receive business from foreign insurance professionals.</p>	<p>practicing certificate. It does not provide that a person who continues in such a relationship engages in misconduct.</p> <p>It may be necessary to allow an exemption for business referrals from foreign based insurance professionals in order to avoid loss of such business opportunities.</p>
30 (generally)	Discipline	Amend the Clause to provide that a person shall be deemed to have committed an act of professional misconduct if IRA finds them guilty of the same.	It is unlawful, under Sections 150-152 of the Insurance Act, if a person found guilty of professional misconduct by IRA is allowed to continue in practice.
30 (generally)	Discipline	Amend the Clause to provide the Council with powers to determine that it is professional misconduct where an insurance professional is proved to have committed an act or omission which harms	This provides discretion to the Council to determine whether misconduct which is not defined in the Act, Regulations, or Code of Conduct amounts to professional misconduct.

Clause	Issue	Recommendation	Rationale
		policyholders/beneficiaries or which brings the insurance profession into disrepute or causes an insurer's instability or undermines public confidence in the insurance industry.	
31(6)	Membership of the Disciplinary Committee	<p>Amend Clause 31(6) to provide that the Council has no powers to remove the Commissioner of Insurance or his representative from the Disciplinary Committee. Removal of the Commissioner of Insurance's representative must only be done with his concurrence.</p> <p>Removal of the Chairman, members appointed by the Institute and the Cabinet Secretary appointees must follow due process and be done with</p>	<p>It is unlawful to remove the Commissioner of Insurance or his representative from the Disciplinary Committee yet Clause 31(2)(c) provides that the Commissioner must be a member.</p> <p>The removal process of disciplinary committee and reference to their appointing authority are not provided for in the Bill.</p> <p>Due process is important to safeguard independence of the Disciplinary Committee.</p>

Clause	Issue	Recommendation	Rationale
		<p>reference to the appointing authority.</p> <p>Provide for the procedure of removing members of the Disciplinary Committee from office.</p>	
33(e)	Recommendation after Inquiry.	Delete Clause 33 (e)	IIK should limit their mandate to registration of membership of insurance professionals and issuance of membership certificates.
34	Role of Registration Committee in the disciplinary process	<p>Delete Clause 34 and replace with a clause providing that the role of the Registration Committee after receiving the decision of the Disciplinary Committee will be limited to the following –</p> <p>(1) Registering the Decision.</p>	Clause 34 allows the Registration Committee to hold a fresh disciplinary hearing upon receipt of the Disciplinary Committee’s decision. This may lead to double jeopardy and conflicting decisions, both of which will interfere with the insurance professional’s right to a fair hearing.

Clause	Issue	Recommendation	Rationale
		(2) Giving effect to the decision of the Disciplinary Committee e.g. cancellation or suspension. (3) Maintaining a record of the Disciplinary Committee's decision	
41(c)	Regulations	Delete Clause 41(c)	IIK should limit their mandate to registration of membership of insurance professionals and issuance of membership certificates.



GODFREY KIPTUM

COMMISSIONER OF INSURANCE & CHIEF EXECUTIVE OFFICER



Committee Clerk
The National Assembly
Parliament Building
P.O. Box 41842-00100
NAIROBI
Email cna@parliament.go.ke

(Att. Mr. Benjamin Magut)
(Email: Benjamin.magut@parliament.co.ke)

Dear Sir,

**RE: SUBMISSION ON INSURANCE PROFESSIONAL BILL 2024 – SPONSORED
BY INSURANCE INSTITUTE OF KENYA (IIK)**

In response to your invite Ref: NAD/DDC/F&NP/2023/076, we, the **Association of Kenya Insurers (AKI)** and the **Association of Insurance Brokers Kenya (AIBK)**, being members of the **Insurance Training and Education Trust (ITET)**, jointly forward our submission regarding the Bill under discussion. We believe it is appropriate at this juncture to provide a brief background of ITET and College of Insurance (COI), their legal framework and operations structures purposely to help the Committee understand pertinent issues pertaining to insurance training and certification in Kenya as currently established. As presently constituted insurance training and certification is being provided by College of Insurance since 1988.

I. Background of ITET:

The mandate of ITET encompasses the development of insurance training and education that it has carried out successfully since its establishment in 1988. ITET is owned by the Insurance Industry through the following key stakeholders who are also members of its Board:

1. Insurance Regulatory Authority (IRA)
2. Association of Kenya Insurers (AKI)
3. Insurance Institute of Kenya (IIK)
4. Association of Insurance Brokers Kenya (AIBK)



5. Association of Kenya Reinsurers (AKR)
6. Retirement Benefits Authority (RBA)
7. Institute of Loss Adjustors, Assessors and Risk Surveyors (ILARS)
8. Two independent trustees
9. Chair of the Examinations Council

ITET was established in 1988 under the Trust Deed with the mandate of providing insurance training and education in Kenya. Towards realizing the mandate, ITET established the College of Insurance (COI) in 1988 to provide insurance training services. Since its establishment, ITET and COI have been responsible for pre-qualification insurance training and certification that has been the platform used by the Insurance Institute of Kenya (IIK) for admission of such qualifiers into its membership. ITET and COI initiated insurance training and certification in Kenya and have systematically nurtured the development of such qualifications to date.

II. Legal Authority for Insurance Training and Certification:

ITET and COI is carrying out its training and certification mandate under the following statutes:

1. ITET was incorporated on 3rd May 1988 under the Perpetual Succession Act Cap 164 the laws of Kenya and the subsequent establishment of the College of Insurance.
2. The Insurance (Amendment) Act No 5 of 1993 reiterates the legal status of ITET and COI in insurance training.
3. COI is licensed as training service provider and accredited institution under **the TVET Act Cap 833 of 2013 Laws of Kenya** with the following as functions:
 - a) A training service provider via **MOHEST/PC/1151/09**
 - b) Accredited institution through the **Kenya Gazette Notice No.1464 Vol. CXV - No. 18 of 8 February 2013** to train, examine and award certificates in the following programs:
 - i. Certificate of Proficiency in Insurance (COP)
 - ii. Craft Certificate in Insurance (CCI)
 - iii. Diploma in Insurance
 - c) Undertake research and development of learning materials under the TVET Act provisions.



- d) COI's insurance qualifications is recognized by **Kenya National Qualification Authority (KNQA)** under the provisions of TVET Act.
- e) COI courses are approved by the **Curriculum Development and Accreditation Council (CDAC)** as certified programs for the insurance also under the provisions of the Act.
- f) **Insurance Sector Skills Advisory Committee (ASSAC)**, a committee promulgated under provisions of TVET Act is functional for curriculum development and review.
- g) **Examination Council** that manages COI examinations is an independent organ of the ITET Board that is responsible for management of examinations is composed of insurance stakeholders as follows:
 - 1. Insurance Regulatory Authority (IRA)
 - 2. Association of Keya Insurers (AKI)
 - 3. Insurance Institute of Kenya (IIK)
 - 4. Association of Insurance Brokers Kenya (AIBK)
 - 5. Association of Kenya Reinsurers (AKR)
 - 6. Retirement Benefits Authority (RBA)
 - 7. Institute of Certified Professional Accountant of Kenya (ICPAK)
 - 8. Kenya Institute of Curriculum Development (KICD)
 - 9. Kenya School of Monetary Studies (KSMS)
 - 10. Ministry of Education Science and Technology (MOEST)
 - 11. Chair from a University

These acts variously bestow authority to COI to undertaking curriculum development, training, examinations and certifications including research in the insurance discipline. At the moment there is no vacuum regarding insurance training, examination and certification of insurance practioners in Kenya.



III. Capacity for Pre-service Insurance Qualification Training and Certification:

ITET and College of Insurance have invested several billions shillings towards insurance training and certification as follows:

1. Legal authority to develop insurance programs, examine and certificate them.
2. Insurance training infrastructures, resources and facilities. It acquired land, develop buildings and learning resources including manpower capable for providing insurance training and qualification services.
3. Elaborate governance structures for developing insurance training programs, provide examinations and certificate various levels of qualification for insurance practitioners.
4. Recognition for COI's insurance certification qualifications locally by IIK and globally by reputable professional institutes such as Chartered Insurance Institute (UK) Indian Insurance Institute (III).
5. COI programs and certification has produced about **30,000 insurance practitioners**. COI insurance certification qualification has been the basis for IIK membership for its insurance professionals. The majority of its membership are graduates of College of Insurance certification qualifications.

IV. Observation and Comments on Insurance Professional Bill 2024:

With the above evidence regarding COI insurance training and certification qualifications; and in light of the Insurance Professional Bill 2024, we hereby submit as follows our **observation, comments and position** regarding some aspects of the Bills provisions.

1. Among other things, the Bill canvasses legislation on several functions that we can categorized into two as follows. The first three functions relate to **enforcement on professional ethics** usually the **domain of professional bodies** while **rest are issues to do with insurance pre-service/qualification** currently adequately provided by COI within the legal framework described above.



2. The provisions of the Bill that substantially encroach on ITET and College of Insurance mandate and functions are as follows:
 - i. Part V – Insurance Professionals Examinations Board: 16, 17, 18, 19 and third Schedule.
3. Provision of the Bill that encroaches on accreditation mandate is Part II The Insurance Institute of Kenya 4(a) and (b)and Insurance Institute of Kenya and any other institution accredited by the Examinations Board to offer such qualification Inter alia. The term "**accreditation**" is not defined and its meaning reverts to conventional. **This is the preserve of the Government through the Ministry of Education Science and Technology (MOEST) or Commission for University Education.** The High Court of Kenya recently made a ruling on this issue where Engineering Board of Kenya and Council for Legal Education were denied power to accredit/license training providers. **It would be dangerous for the Bill to confer similar powers to a private body such as envisaged in the Bill.**
4. **Part I Preliminary:**
 - i. ITET is defined by Insurance Professionals Registration Bill 2020 by adopting its definition in the Insurance (Amendment) Act No 5 of 1993. The **definition** of (ITET) and by extension **COI** in the Insurance Act, grants ITET and COI the mandate of insurance training. The Insurance Professionals Examinations Board is in direct conflict with the mandate of ITET as by per the Insurance Act. This is the situation that is being canvassed by **Part V of the Insurance Professionals Registration Bill 2020.**
 - ii. The **Insurance Act** provides **parameters/scope of ITET and COI in terms of training mandate and functions.** It is in the spirit of the Act that ITET and COI have **developed infrastructural facilities, governance structures and mechanisms** for the implementation of insurance pre-qualification training, examinations and certification since in 1988 to date.
 - iii. The scope of the **Insurance and TVET Acts** have **enabled ITET and COI to carry out their training, examinations and certification** functions. The mandate envisaged in both acts was in terms insurance training, their examination and certification.



- iv. This could be the reason why **ITET is only being defined in the Bill's preliminaries** and not reflected anywhere in the provisions of the Bill.

We submit that the provisions of the Insurance Examinations Board and any related provisions regarding **pre-service insurance training function** as we have demonstrated in our presentation **IV 1 – 5** above **should be deleted in the Bill** because it is **a backdoor attempt to duplicate the functions of ITET and COI** already provided for in **the Insurance Act** and **TVET Act** other relevant legislation respectively.

V. Mandate of Professional Bodies:

Professional bodies worldwide have common mandates and functions. Their mandates generally rotate around safeguarding of their members welfare. They operate more or less like clubs with rules and regulations governing the conduct of their members. Most of them have developed **codes of ethics** to govern the conduct of their members and **modalities for post qualification training** in form of **Continuous Professional Development (CPD)**. Professional bodies like **Law Society of Kenya (LSK)** perhaps the oldest one operates as follows:

1. **Sanity in the conduct of legal practice by lawyers:** Ensuring that lawyers carry out their legal practice in accordance to the prescribed ethical practice as required by Code of Conduct and legislation.
2. **Protecting interests of members:** The Society ensures that the welfare /interests of members are safeguarded in terms of fair representation, better terms of service/remuneration etc.
3. **Licensing members:** LSK is privileged to be issuing practicing licenses to their members who meet certain professional criteria – based on criteria as prescribed by legal practice.
4. Carrying out **Continuous Professional Development**. LSK organizes periodic training workshops, seminars and dinners for its members to appraise them on emerging issues within the legal profession. It is further used as one of the requirements for renewal of legal practicing license.

Pre-service training and certification of lawyers before they are licensed to practice rests with bodies such as statutes such **Council for Legal Education** and



universities. The LSK model more or less similar to the Institute of Certified Public Accountants Kenya (ICPAK), Engineering Board among others are best examples for effective professional bodies that should be emulated.

A professional body like IIC, a single entity to be vested with such enormous powers as to control potential members' pre-service training, accredit training providers, provide examinations, award certificates and further admit qualifiers into their membership roll, provide CPD and manage these including members' censorship in their professional practice as envisaged in the Bill is a very dangerous piece of legislation. Ideally such powers such as insurance training and certification qualification should be separated and performed by independent entities as is the case currently in Kenya for meaningful governance accountability.

CONCLUSION

We as AKI and AIBK jointly submit that the provisions of the Insurance Professionals Registration Bill 2020 that are contradict or in conflict to the current mandate and functions of ITET and COI as established under their respective legislative provisions be expunged and deleted from the Bill.

Yours faithfully

TOM GICHUHI
EXECUTIVE DIRECTOR
ASSOCIATION OF KENYA INSURERS

ELIUD ADIEDO
CHIEF EXECUTIVE OFFICER
ASSOCIATION OF INSURANCE
BROKERS OF KENYA