

Approved for tabling in the House.

Bat SNA
2/12/2021



PARLIAMENT
OF KENYA
LIBRARY

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – FIFTH SESSION – 2021

DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

REPORT ON THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2021)

CLERKS CHAMBERS

DIRECTORATE OF DEPARTMENTAL COMMITTEES

PARLIAMENT BUILDINGS

NAIROBI

DECEMBER 2021


 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 02 DEC 2021	DAY: Thursday AM
TABLED BY:	Chair of Finance. Hon. Gladys Wanga.
CLERK-AT THE-TABLE:	G. Chebet

TABLE OF CONTENTS

ACRONYMS.....	3
CHAIRPERSON'S FOREWORD	4
PART I	6
1 PREFACE	6
1.1 ESTABLISHMENT OF THE COMMITTEE.....	6
1.2 MANDATE OF THE COMMITTEE.....	6
1.3 COMMITTEE MEMBERSHIP	7
1.4 COMMITTEE SECRETARIAT	8
PART II.....	9
2 OVERVIEW OF THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2021).....	9
2.1 ANALYSIS OF THE BILL.....	9
PART III.....	11
3 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION.....	11
3.1 THE NATIONAL TREASURY AND PLANNING	11
3.2 THE CENTRAL BANK OF KENYA (CBK).....	12
3.3 THE FINANCIAL REPORTING CENTRE (FRC).....	12
3.4 OFFICE OF THE ATTORNEY GENERAL/ASSET RECOVERY AUTHORITY (ARA)..	13
3.5 ETHICS AND ANTI-CORRUPTION COMMISSION (EACC).....	13
3.6 OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS (ODPP).....	14
3.7 KENYA BANKERS ASSOCIATION (KBA).....	14
3.8 LAW SOCIETY OF KENYA (LSK).....	16
3.9 INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS OF KENYA (ICPAK).....	17
3.10 ASSOCIATION OF KENYA PROFESSIONAL INSURANCE AGENTS (AKPIA).....	17
3.11 KILONZO AND ASSOCIATES.....	17
3.12 NZAMBA KITONGA ADVOCATES LLP.....	18
PART VI	19
4 COMMITTEE OBSERVATIONS.....	19
PART V	20
5 COMMITTEE RECOMMENDATION.....	20

ACRONYMS

AML/CFT	-	Anti-Money Laundering/Combating of Financing of Terrorism
CBK	-	Central Bank of Kenya
CBK	-	Central Bank of Kenya
DNFBPs	-	Designated Non-Financial Businesses and Professions
DPP	-	Director of Public Prosecution
EACC	-	Ethics and Anti-Corruption Commission
ESAAMLG	-	East and South Africa Anti-Money Laundering Group
FATF	-	Financial Action Task Force
FRC	-	Financial Reporting Centre
LSK	-	Law Society of Kenya
MLRO	-	Money Laundering Reporting Officer
ODPP	-	Office of the Director of Public Prosecution
POCAMLA	-	Proceeds of Crime and Anti-Money Laundering Act
RGB	-	Reasonable Grounds to Believe
RGS	-	Reasonable Grounds to Suspect
SACCOs	-	Savings and Credit Cooperatives
SCAC	-	State Corporations Advisory Council
UNSC	-	United Nations Security Council

CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Departmental Committee on Finance and National Planning on its consideration of the Proceeds of crime and Anti-Money Laundering (Amendment) Bill (National Assembly Bill No. 39 of 2021) which was published on 30th August 2021.

The Bill went through the First Reading on 6th October 2021 and was committed to the Departmental Committee on Finance and National Planning on 16th November 2021 pursuant to Standing Order 127.

The Bill has sixteen (16) clauses and seeks to remove the position of a deputy Director at the Financial Reporting Centre. The Bill further proposes to designate advocates, notaries and other independent legal professionals who are sole practitioners, partners or employees within professional firms as reporting persons for purposes of the Proceeds of Crime and Anti-Money laundering Act, 2009.

Further, the Bill introduces a new section 44A requiring the Financial Reporting Centre to intervene where the Centre has reasonable grounds to suspect that a transaction may be suspicious. The Bill also proposes to amend section 54C(5) of the Act by substituting the word "Agency" with the words "Oversight Board" in relation to the approval of the Agency's annual budget which is consistent with the proposed functions of the Oversight Board under the proposed section 55B.

The Bill also proposes to insert new sections for the establishment, membership, functions, committees and procedures of the Asset Recovery Oversight Board. The Bill introduces new provisions 130A and 130B limiting the rights to privacy as far as prevention, detection and investigation of money laundering and financing of terrorism is concerned. The Bill also amends the First Schedule to the Act to include Law Society of Kenya and the Sacco Societies Regulatory Authority as supervisory bodies for purposes of this Act.

Following placement of adverts in the print media on 18th November 2021 requesting for comments on the Bill from members of the public and relevant stakeholders pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee did not receive any written memorandum on the Bill.

In order to extensively carry out public participation on the Bill, the Committee invited stakeholders vide letter REF: NA/DDC/F&NP/2021/75 dated 26th November 2021 for a stakeholder engagement meeting which was held on Wednesday, 1st December 2021 at Hilton Garden Inn Hotel where ten (10) stakeholders attended the meeting.

All the stakeholders except LSK were in support of the amendments proposed in the Bill. They noted that all the professionals in Kenya are required to report for purposes of the Proceeds of Crime and Anti-Money Laundering Act, 2009 except lawyers and it is only fair that they are treated as other professions. The stakeholders however opposed the inclusion of the Director of Public Prosecutions in the Asset Recovery Oversight Board noting that there should be a separation of functions between the Office of the DPP and the Asset Recovery Authority. Having the DPP on the Board would amount to conflict of interest. It was proposed that the Governor CBK should be a member of the Board. The stakeholders' proposed amendments to the Bill are contained in Part III of the Report. All the stakeholders' comments were put into consideration while preparing the proposed Committee's amendments and some of the proposals were adopted forming part of the proposed Committee's amendments.

On behalf of the Departmental Committee on Finance and National Planning and pursuant to provisions of Standing Order 199(6), it is my pleasant privilege and honour to present to this House

the Report of the Committee on its consideration of the Proceeds of Crime and Anti-Money Laundering (Amendment) Bill, 2021. The Committee is grateful to the Offices of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. I wish to express my appreciation to the Honorable Members of the Committee and the Committee Secretariat who made useful contributions towards the preparation and production of this report.

It is my pleasure to report that the Committee has considered the Proceeds of Crime and Anti-Money Laundering (Amendment) Bill (National Assembly Bill No. 39 of 2021) and have the honour to report back to the National Assembly with the recommendation that the Bill be **approved with amendments** as contained in the report.

Hon. Gladys Wanga, CBS, MP

Chairperson, Departmental Committee on Finance and National Planning

PART I

1 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Finance & National Planning is one of the fifteen Departmental Committees of the National Assembly established under *Standing Order 216* whose mandates pursuant to the *Standing Order 216 (5)* are as follows:
 - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
 - iii. *To study and review all the legislation referred to it;*
 - iv. *To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - v. *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - vi. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No. 204 (Committee on appointments);*
 - vii. *To examine treaties, agreements and conventions;*
 - viii. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - ix. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - x. *To examine any questions raised by Members on a matter within its mandate.*

1.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider, public finance, monetary policies, public debt, financial institutions (excluding those in securities exchange), investment and divestiture policies, pricing policies, banking, insurance, population revenue policies including taxation and national planning and development.
3. In executing its mandate, the Committee oversees the following government Ministries and departments:
 - i. National Treasury and Planning
 - ii. State Department for Devolution
 - iii. Commission on Revenue Allocation
 - iv. Office of the Controller of Budget
 - v. Salaries and Remuneration Commission

1.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Finance and National Planning was constituted by the House in July 2020 and comprises of the following Members:

Chairperson

Hon. Gladys Wanga, CBS, MP
Homabay County
ODM Party

Vice-Chairperson

Hon. Isaac W. Ndirangu, MP
Roysambu Constituency
Jubilee Party

Members

Hon. Jimmy O. Angwenyi, MP
Kitutu Chache North Constituency
Jubilee Party

Hon. Christopher Omulele, MP
Luanda Constituency
ODM Party

Hon. Shakeel Shabbir Ahmed, MP
Kisumu East Constituency
Independent Member

Hon. Daniel Nanok, MP
Turkana West Constituency
Jubilee Party

Hon. (Dr.) Christine Ombaka, MP
Siaya County
ODM Party

Hon. Andrew Okuome, MP
Karachuonyo Constituency
ODM Party

Hon. David Mboni, MP
Kitui Rural Constituency
CCU Party

Hon. Francis K. Kimani, MP
Molo Constituency
Jubilee Party

Hon. Joseph Oyula, MP
Butula Constituency
ODM Party

Hon. Joshua Kandie, MP
Baringo Central Constituency
MCC Party

Hon. Stanley Muthama, MP
Lamu West Constituency
MCC Party

Hon. Edith Nyenze, MP
Kitui West Constituency
WDM-K

Hon. Catherine Waruguru, MP
Laikipia County
Jubilee Party

Hon. James Mwangi, MP
Tetu Constituency
Jubilee Party

Hon. (Prof.) Mohamud Muhamed, MP
Wajir South Constituency
Jubilee Party

Hon. Peter Lochakapong, MP
Sigor Constituency
Jubilee Party

Hon. Qalicha Gufu Wario, MP
Moyale Constituency
Jubilee Party

1.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following Secretariat:

**Ms. Leah W. Mwaura
Senior Clerk Assistant/Head of Secretariat**

**Ms. Jennifer Ndeto
Principal Legal Counsel 1**

**Ms. Laureen Wesonga
Clerk Assistant II**

**Mr. Josephat Motonu
Senior Fiscal Analyst**

**Mr. Chelang'a Maiyo
Research Officer II**

**Mr. Luka Mutua
Serjeant-At-Arms**

**Mr. John Njoro
Serjeant-At-Arms**

**Ms. Christine Maeri
Audio Officer**

**Ms. Hannah Mwangi
Intern**

PART II

2 OVERVIEW OF THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2021)

2.1 ANALYSIS OF THE BILL

6. The Bill has sixteen (16) clauses and seeks to remove the position of a deputy Director at the Financial Reporting Centre. This proposal is consistent with the current practice of not providing for positions of Deputy Chief Executives of State Corporations in law.
7. The Bill further proposes to designate advocates, notaries and other independent legal professionals who are sole practitioners, partners or employees within professional firms as reporting persons for purposes of the Proceeds of Crime and Anti-Money laundering Act, 2009. The obligations under Part IV of the Act shall apply to the advocates, notaries and other independent legal professionals who are sole practitioners, partners or employees within professional firms when preparing or carrying out transactions for their clients in the following institutions:
 - a) buying and selling of real estate;
 - b) managing of client money, securities or other assets;
 - c) managing of bank, savings or securities accounts;
 - d) organization of contributions for the creation, operation or management of companies; and
 - e) creation, operation or management of buying and selling of business entities.
8. Further, the Bill introduces a new section 44A requiring the Financial Reporting Centre to intervene where the Centre has reasonable grounds to suspect that a transaction may be suspicious. This will ensure timely access to information on assets held by criminals as preventive and repressive measure, and ultimately, disrupting criminal networks and unlawful activities.
9. The Bill also proposes to amend section 54C(5) of the Act by substituting the word "*Agency*" with the words "*Oversight Board*" in relation to the approval of the Agency's annual budget which is consistent with the proposed functions of the Oversight Board under the proposed section 55B.
10. The Bill proposes to insert new sections for the establishment, membership, functions, committees and procedures of the Asset Recovery Oversight Board.
11. The Bill introduces new provisions 130A and 130B limiting the rights to privacy as far as prevention, detection and investigation of money laundering and financing of terrorism is concerned.
12. The Bill further seeks to amend the First Schedule to the Act to include Law Society of Kenya and the Sacco Societies Regulatory Authority as supervisory bodies for purposes of this Act.
13. The Bill delegates powers to the Cabinet Secretary responsible for the National Treasury to make regulations for the conduct of business and affairs of the Asset Recovery Oversight Board. It proposes to limit the right to privacy for purposes of prevention, detection and investigation of money laundering and financing of terrorism.
14. The Bill does not concern county governments in terms of Article 110(1)(a) as it does not affect the functions and power of county governments as set out in the Fourth Schedule.

15. The enactment of this Bill may occasion additional expenditure of public funds.

PART III

3 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

16. Following the call for memoranda from the public through the placement of adverts in the print media on 18th November 2021 and vide a letter REF: NA/DDC/F&NP/2021 dated 26th November 2021, the Committee received memoranda from the following stakeholders:

- i. The National Treasury and Planning
- ii. The Central Bank of Kenya (CBK)
- iii. The Financial Reporting Centre
- iv. Office of the Attorney General/Asset Recovery Authority
- v. Ethics and Anti-Corruption Commission (EACC)
- vi. Office of the Director of Public Prosecutions
- vii. Kenya Bankers Association
- viii. Law Society of Kenya
- ix. Institute of Certified Public Accounts of Kenya (ICPAK)
- x. Association of Kenya Professional Insurance Agents (AKPIA)
- xi. Kilonzo and Associates
- xii. Nzamba Kitonga Advocates LLP

17. The stakeholders submitted as follows:

3.1 THE NATIONAL TREASURY AND PLANNING

In a meeting held on Wednesday, 1st December 2021, the Principal Secretary for National Treasury, Dr. Julius Muia submitted THAT—

18. The United Nations Security Council adopted the Resolution 2462 which called upon UN member states to combat money laundering and criminalize the financing of terrorists and their activities. Specifically, the UNSC Resolution 2462 stressed the essential role of the Financial Action Taskforce to set global anti-money laundering and combating the financing of terrorism standards and to ensure the effective implementation of these standards in all jurisdictions across the globe.
19. The ESAAMLG Council of Ministers noted that Kenya had not made sufficient progress in applying preventive measures to the designated Non-Financial Businesses and Professions (DNFBPs) of which advocates, notaries and other independent legal professionals are part. Indeed, failure to designate the legal professionals as part of the reporting regime under the Proceeds of Crime and Anti-Money Laundering Act, 2009 (POCAMLA) has been the key outstanding deficiency on Kenya's Post Evaluation Implementation Plan with ESAAMLG since 2011.
20. The Public Statement is a peer pressure mechanism meant to escalate counter measures on the country by alerting the International Community that the Republic of Kenya has failed to uphold the International AML/CFT Standards and single out the country as a high-risk jurisdiction and a perceived safe haven for money laundering and terrorism financing.
21. Failure to enact the Bill will be costly to the country. The consequence can include refusal to extend correspondent banking services to Kenyan financial institutions, businesses and even the

state, to make or receive international payments. The outcome will also have a negative impact on the ongoing 2nd Round of Mutual Evaluation (ME) of Kenya's AML/CFT regime by ESAAMLG.

22. Out of the 18 member countries of ESAAMLG only Kenya has not designated lawyers as reporting entities as part of the domestic AML/CFT legal regime.

3.2 THE CENTRAL BANK OF KENYA (CBK)

In a meeting held on Wednesday, 1st December 2021, the CBK Governor, Dr. Patrick Njoroge submitted THAT—

23. Designation of advocates, notaries and other independent legal professionals who are sole practitioners, partners or employees within professional firms as reporting persons is positive move as it will bring lawyers within the ambit of POCAMLA thereby enhancing the effectiveness of the AML/CFT regime of Kenya.

24. They concurred with the amendments to include the Law Society of Kenya and SACCO Society Regulatory Authority as supervisory bodies as it will strengthen the compliance and reporting framework for lawyers and deposit taking SACCOs.

25. Clause 8 of the Bill is a laudable move as it will dissuade launderers from channeling their funds through the financial system, given the likelihood that the funds might be intercepted. The proposed amendment will also facilitate and strengthen asset recovery framework, as assets to be covered will be easily identifiable at the earliest opportunity. The proposed framework will act as a deterrence measure against using the financial system to launder dirty money.

26. The proposed establishment of an oversight board will go a long way in addressing these issues and strengthening the governance of ARA including setting out procedures for the appointment of the director. The proposed oversight board will provide the required multi-agency framework for tackling money laundering offences, tracing and confiscating proceeds of crime. The powers granted to the Board by the proposed amendments are sufficiently broad to enable the board steer ARA to greater success.

3.3 THE FINANCIAL REPORTING CENTRE (FRC)

The Director General FRC, Mr. Saitoti Ole Maika appeared before the Committee on Wednesday, 1st December 2021. He submitted THAT—

27. The Financial Action Task Force recommended that lawyers, notaries and other independent legal professionals be part of the reporting regime for combating money laundering, terrorism financing and proliferation of weapons of mass destruction.

28. EASAAMLG currently has nineteen (19) member countries. In all the 19 EASAAMLG members' jurisdictions, Kenya is the only country yet to designate lawyers as reporting persons. The lawyers /advocates in the other ESAAMLG countries are subject to the same practicing and anti-money laundering requirements as their legal counterparts in Kenya.

29. FRC had undertaken a comparative analysis of the 18 ESAAMLG countries as well as other jurisdictions both commonwealth as well as non-commonwealth jurisdictions. In all these countries, lawyers had been designated as reporting persons/accountable entities.

30. The proposed amendment does not apply to all activities carried out by legal professionals. For instance, litigation is not a specified activity, and a legal professional representing a client in litigation will not be subject to the FATF recommendations and POCAMLA.
31. The Law Society of Kenya being designed as a supervisory body under POCAMLA advocates, notaries and other legal professions would first need to be designated as reporting institutions under the definition of DNFBP as proposed in the Bill. The Law Society of Kenya as it stands does not have the power to regulate/supervise its members for AML/CFT purposes. The proposed amendment will therefore enable lawyers to be part of reporting institutions under POCAMLA thereby paving way for LSK to be enlisted as a supervisory body in the First Schedule of the POCAMLA.

3.4 OFFICE OF THE ATTORNEY GENERAL/ASSET RECOVERY AUTHORITY (ARA)

32. The Director Assets Recovery Agency Col. Alice M Mate appeared before the Committee on Wednesday, 1st December 2021. She submitted THAT—
33. An advisory board would be best suited to provide governance as opposed to an oversight board. The nature and mandate of the agency in recovering proceeds of crime and combating money laundering is such that it requires operational independence without interference. An advisory board will therefore advise the Agency in the execution of its mandate, the strategic priorities and policy unlike an oversight board which would venture into the realm of the day to day operations and internal workings of the Agency. The Agency therefore proposed the substitution of the word '*Oversight Board*' with '*Advisory Board*' and the deletion of the words '*overseeing*' appearing in the proposed Section 55(1) (a), (b), and (c).
34. The work of ARA involves conducting investigations with a view of recovering proceeds of crime. Besides, the proceedings for recovery of proceeds of crime are civil in nature; it would therefore present an anomaly and a conflict of interest to have DPP sit in a board of ARA.
35. Appointment of the Secretary to the Board cannot be undertaken by the Public Service Commission as the Agency is a state corporation. Secondly, the approved HR instruments by SCAC provide that the Deputy Director, legal service shall be the Secretary to the Board. From the foregoing, they proposed the deletion of the proposed section 55D.

3.5 ETHICS AND ANTI-CORRUPTION COMMISSION (EACC)

The Chief Executive Officer of EACC, Mr. Twalib Mbarak appeared before the Committee on Wednesday, 1st December 2021. He submitted THAT—

36. The function of the Anti-Money Laundering Advisory Board under section 49 and the Asset Recovery Oversight Board under the proposed section 55A should be merged and undertaken by the Anti-Money Laundering Advisory Board.
37. Asset Recovery Agency should be established as an autonomous agency independent of the Attorney General. The Attorney General should not retain the power to appoint the Director General, when he is a member of the Board.

38. Ethics and Anti-Corruption Commission investigator should be included in the definition of "authorized officer" in section 2 of the POCAMLA. Also, the Commission should be represented in the Anti-Money Laundering Advisory Board.

3.6 OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS (ODPP)

The Director of Public Prosecutions, Mr. Noordin M. Haji appeared before the Committee on Wednesday, 1st December 2021. He submitted THAT—

39. Advocates and legal practitioners should be included as non-financial business entities and reporting entities subject to a high threshold for reporting as guided by the Advocates Act, international best practices and must obtain a court order to utilize the information.
40. Supported the proposal to designate insurance brokers and intermediaries as reporting institutions to seal the loopholes for money laundering actors.
41. Proposed that amendments be made to Part VII (sections 61, 64, 67, 68, 75 and 90 to 99) and other enabling provisions of POCAMLA to enable the DPP undertake effective criminal conviction-based forfeiture in line with the Constitution, ODPP Act and best practices in criminal conviction-based forfeiture.
42. Proposed that amendments be made to Part XII of POCAMLA (sections 115, 118, 119, 120, 122 and 124) that deals with International Assistance in Investigations Assistance in Investigations and Proceedings in line with the Supreme Court Judgement.
43. Further, they proposed that the EACC be part of the institutions that constitute the Asset Recovery Oversight Board under section 55A of the Bill.
44. A new clause on termination/removal of the Agency deputy director be inserted in the Bill.
45. Amend Section 53(4) by replacing Attorney-General with the Oversight Board as it is advisable that the approval for secondment of staff and their terms and conditions should be approved by the Oversight Board and not the Attorney-General.
46. There is a need to consider whether a Secretary to the Oversight Board should be appointed by the PSC. The Secretary should be appointed among members of the Oversight Board or should be the Agency Director or their Principal Deputy or a member of the Oversight Board.
47. Amend Section 130B by introducing clause 3 to read as follows "*documents obtained pursuant to this section shall be admissible in criminal proceedings for offences under this Act*".

3.7 KENYA BANKERS ASSOCIATION (KBA)

In a meeting held on Wednesday, 1st December 2021, KBA submitted THAT—

48. Abolition of Deputy Director Position of the FRC is a standard practice. Transition should be provided for the current officer holder, either finalize the term or be accommodated in the structure.

49. The proposal to designate advocates, lawyers, notaries and other legal professional as reporting institutions with the obligation of sharing and reporting suspicious transactions by clients to FRC is a welcome move. Because of the nature of services that they provide, advocates may become vulnerable to exposure to money laundering activity while representing their clients. Section 134 of the Evidence Act provides for privileged communication between advocates and their clients, however, it is imperative to note that the information required to be shared has not been defined clearly. The obligation is to disclose the information as captured in the memorandum of objects of the Bill. To require such information to be provided by lawyers would necessitate amendment of section 48(a) of the Principal Act.
50. The proposal in clause 8 of the Bill may pose an issue when dealing with transactions on the stock exchange market as such transactions are time sensitive and volatile in nature and such action of FRC would have far reaching negative effects on the sector. An exemption could be added to this proposed amendment such that the provision does not apply to transactions which the Capital Markets Authority Act and Regulations apply as there are sufficient safeguards in the various laws and regulations to deal with what the act seeks to achieve.
51. The proposal to empower the Financial Reporting Centre to intervene and stop a suspicious transaction is welcome and reflects international best practice. However, it is important to note that the law risks abuse, care should be taken not to use it to punish political opponents or business competitors because of vested interests.
52. They proposed that there be an addition to the Bill to amend section 2 of POCAMLA to define 'suspicion' and the parties to determine suspicion, by clearly providing for the determination to be made by the MLRO or as directed by FRC.
53. Global AML practice provides for reporting of suspicions within reasonable defined timelines after institutions have completed the measures that allow them to establish reasonable grounds to suspect a transaction. The reporting time frame should start once the MLRO has formed a suspicion on reasonable grounds.
54. Proposed reasonable grounds to suspect should be added or replaced with reasonable grounds to believe (RGB) which is a higher threshold than reasonable grounds to suspect (RGS) and is beyond what is required to submit on STR. Reasonable ground to believe means that there are verified facts that support the probability that an AML/CTF offence has occurred.
55. Proposed to amend section 44(2) to read as follows; "*Upon suspicion that any of the transactions or activities described in subsection (1) or any other transaction or activity could constitute or be related to money laundering or to the proceeds of crime, a reporting institution shall report the suspicions or unusual transaction or activity to the Centre in the prescribed form immediately and , in any event ,within seven days of the date of the reporting institution's determination of the transaction or activity to be, or to have been, suspicious*".
56. For avoidance of doubt, section 130B (2) should explicitly provide for the search and seizure procedures as captured in section 37 and 38 of POCAMLA.
57. Inclusion of Betting Control and Licensing Board since some individuals can use betting as an avenue for money laundering. They supported the proposal to incorporate the Law Society of Kenya and the Sacco Societies Regulatory Authority as supervisory bodies.

58. The establishment of date of suspicious transaction, hence proper counting of the number of days after the transaction is not practicable.
59. Allow a 90-day period for financial institutions to report supplementary filings of repeat or continued suspicious activity. Discretion for earlier supplementary filing to be accorded to reporting institutions.

3.8 LAW SOCIETY OF KENYA (LSK)

In a meeting held on Wednesday, 1st December 2021, LSK submitted THAT—

60. The POCAMLA is a key framework that aids the fight against money Laundering and terrorism financing that the country is committed to fight. The Law Society of Kenya is fully supportive of efforts towards fighting money laundering and terrorism financing. However, the Society opposes legislative proposals and provisions that substantially affect the practice of law, rule of law and administration of justice.
61. Article 48 and 49(1) (c) of the Constitution on rights may be violated if the obligation to report a suspicious transaction by an advocate by their client is enacted.
62. The proposed amendments chiefly affect the well settled principle of advocate-client or legal professional privilege applicable to advocates. The subject of legal professional privilege/advocate-client privilege cemented under the law by the evidentiary rule of privilege under the law of evidence and the common-law principle adopted under the Judicature Act.
63. The anti-money laundering and the combating financing of terrorism primarily focuses on financial transaction whereas the proposals mooted seek to include legal sector practitioners in its local regime.
64. The legislative proposals do not consider the existing framework that governs the legal profession in Kenya. The legal framework is governed by the Advocates' Act, the Notary Act, and office of the Attorney-General Act, the Law Society of Kenya and the Courts.
65. In the Finance Bill, 2019, the Society proposed deletion of the phrases "*advocates, notaries and other legal professionals*" wherever appeared since the amendment conflicted with the provisions of the Advocates' Act and the Notaries Act. These Acts prescribe the definitions of practitioners of law. The matter is already prescribed under section 134 of the Evidence Act. There was no public participation undertaken over the provision in line with the Constitution of Kenya.
66. The Society proposed the deletion of the phrases "*advocates, notaries and other legal professionals*" wherever they are found since the amendments conflict with the provisions of the Advocates' Act and the Notaries Act.
67. The Society opposed the amendments proposed to the POCAMLA for offending various articles of the Constitution and for being retrogressive to developments in legal practice.

3.9 INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS OF KENYA (ICPAK)

In a meeting held on Wednesday, 1st December 2021, the Institute submitted THAT—

68. Amend clause 3a (a) by inserting the following new paragraph; *“holds a bachelor’s degree in Law, Finance, Accounting and other related social sciences from a university recognized in Kenya.”*
69. Amend section 55A by inserting a new paragraph (g) immediately after paragraph (f) to read; *“Two persons not being public officers, who shall be appointed by the attorney General representing the following institutions: (i) Institute of Certified Public Accountants of Kenya; and Law Society of Kenya”.*
70. Amend section 55B by inserting a new paragraph immediately after paragraph (f) to read; *“Report to the cabinet secretary significant developments issues and concerns by the Asset recovery Agency”.*
71. Amend Section 130B by inserting a new paragraph (4) immediately after 130B (3) to read; *“A limitation of Rights under Subsection 1 shall apply in strict adherence to the Data Protection Act and Regulations and with express authorization through the relevant judicial process”.*

3.10 ASSOCIATION OF KENYA PROFESSIONAL INSURANCE AGENTS (AKPIA)

72. In a meeting held on Wednesday, 1st December 2021, AKPIA submitted that they were in support of the amendments proposed in the Bill. They however proposed that insurance intermediaries be included in the definition of a financial institution.

3.11 KILONZO AND ASSOCIATES

Kilonzo and Associates submitted their comments through a written memorandum. They submitted THAT—

73. Involvement of legal practitioners be carefully thought and implemented in a manner that is practical and that does not erode the protections afforded by the Client-Advocate privilege.
74. If the Bill becomes law, legal professionals would be subject to the obligations in part IV of the Act. Particularly, sections 44 and 48 of the Act stipulate amongst others the obligation to monitor report and provide information in respect of unusual and suspicious transactions. The obligations were in conflict with the Client-Advocate privilege that ensures that a client who seeks legal advice or assistance from an advocate is free of fear that his information will not be shared with a third party. The privilege is crucial to enable provision of sound legal advice. Breach of such obligation may make an advocate liable for professional misconduct.
75. The centrality of the Client-Advocate privilege has been acknowledged by section 18 of the Act. However, the view that the safeguards provide for in section 18 of the Act shall be eroded by the proposed amendments that will impose monitoring and reporting obligations upon legal professionals.
76. They proposed that clauses 2(b) and 9(b) of the Bill be deleted. They recommended that the Financial Reporting Centre engages the Law Society of Kenya on more practical ways to partner in the fight against money laundering particularly the Law Society of Kenya is currently in the

process of creating Anti-Money Laundering Guidance for Legal Practitioners as part of its regulatory functions over advocates.

3.12 NZAMBA KITONGA ADVOCATES LLP

Through a written memorandum, Nzamba Kitonga Advocates LLP submitted THAT—

77. There was need to introduce a threshold terms within which the FRC is supposed to interrupt a financial transaction to ensure it is fair and reasonable. It must be clear that the Agency may not delay the transaction beyond five days without just cause pursuant to an order of the Court. This protection is important for business commercial transactions are often time sensitive.
78. The privileged relationship between Advocates and Clients is a key pillar of the legal system and rule of law in the country. The Advocate-Client privilege is one of the oldest legal doctrines and is underpinned by policy considerations. It extends to all communications between an advocate and their clients including financial information. The amendment should therefore be subjected to wider consultations with the legal profession through the Law Society of Kenya and bench mark with other jurisdictions in order to craft a provision which does not negate the underpinnings of the Advocate-Client relationship.
79. Section 54 has been amended to the effect that the National Assembly shall allocate adequate funds to the Agency to enable the Agency perform its functions and any other written law and the budget shall be a separate vote. This will increase the autonomy of the Agency in performing its functions.
80. The Bill is well intentioned and will assist Kenya to comply with international standards of disclosure of financial information and curbing of illicit financial flows. However, the National Assembly must balance the need for accountability against the individual protections required for investor confidence. Investors often gain confidence from a legal system which is fair, efficient and predictable. The Advocate-Client privilege is a pillar of the rule of law.

v

PART VI

4 COMMITTEE OBSERVATIONS


In considering the Bill, the Committee observed that:

81. The Bill will include the legal profession in the list of professions that are supposed to report for purposes of the Proceeds of Crime and Anti-Money Laundering Act, 2009.
82. The Bill sets up an advisory board which shall be mandated to oversee the Asset Recovery Agency on the exercise of its powers and performance of its functions.


PART V

5 COMMITTEE RECOMMENDATION

83. The Committee having considered the Proceeds of Crime and Anti-Money Laundering (Amendment) Bill (National Assembly Bill No. 39 of 2021) recommends that the House **approves** the Bill with amendments.

SIGNED.......... DATE 2nd Dec 2021
HON. GLADYS WANGA, CBS, MP
CHAIRPERSON

DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 02 DEC 2021	DAY: Thursday AM
TABLED BY:	Chairperson Hon Gladys Wanga DC. Finance
CLERK-AT THE-TABLE:	G. Chebet



REPUBLIC OF KENYA

NATIONAL ASSEMBLY
DEPARTMENTAL COMMITTEE ON FINANCE & NATIONAL PLANNING

ADOPTION SCHEDULE

ADOPTION SCHEDULE FOR THE REPORT THE CONSIDERATION OF THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2021)

DATE: 1st DECEMBER 2021

NAME	SIGNATURE
1. HON. GLADYS WANGA, CBS, MP – CHAIRPERSON	
2. HON. ISAAC W. NDIRANGU – VICE-CHAIRPERSON	
3. HON. JIMMY O. ANGWENYI, MGH, MP	
4. HON. CHRISTOPHER OMULELE, CBS, MP	
5. HON. SHAKEEL SHABBIR AHMED, CBS, MP	
6. HON. DANIEL E. NANOK, MP	
7. HON. (DR.) CHRISTINE OMBAKA, MP	
8. HON. ANDREW A. OKUOME, MP	
9. HON. DAVID M. MBONI, MP	
10. HON. FRANCIS KURIA KIMANI, MP	
11. HON. JOSEPH M. OYULA, MP	
12. HON. JOSHUA KANDIE, MP	
13. HON. STANLEY M. MUTHAMA, MP	
14. HON. EDITH NYENZE, MP	
15. HON. CATHERINE WARUGURU, MP	
16. HON. JAMES GICHUHI MWANGI, MP	
17. HON. (PROF.) MOHAMUD SHEIKH MOHAMED, MP	
18. HON. PETER LOCHAKAPONG, MP	
19. HON. QALICHA GUFU WARIO, MP	

MINUTES OF THE 91ST SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD IN PAVILLION CONFERENCE ROOM AT HILTON GARDEN INN HOTEL ON WEDNESDAY, 1ST DECEMBER 2021 AT 3:15 P.M.

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. Gladys Wanga, CBS, MP | - | Chairperson |
| 2. Hon. Isaac W. Ndirangu, MP | - | Vice-Chairperson |
| 3. Hon. Jimmy O. Angwenyi, MGH, MP | | |
| 4. Hon. Shakeel Shabbir Ahmed, CBS, MP | | |
| 5. Hon. Daniel E. Nanok, MP | | |
| 6. Hon. (Dr.) Christine Ombaka, MP | | |
| 7. Hon. David M. Mboni, MP | | |
| 8. Hon. Francis K. Kimani, MP | | |
| 9. Hon. Joseph M. Oyula, MP | | |
| 10. Hon. Joshua C. Kandie, MP | | |
| 11. Hon. Stanley M. Muthama, MP | | |
| 12. Hon. Edith Nyenze, MP | | |
| 13. Hon. Catherine Waruguru, MP | | |
| 14. Hon. James Gichuhi Mwangi, MP | | |
| 15. Hon. (Prof.) Mohamud Sheikh Mohamed, MP | | |
| 16. Hon. Peter Lochakapong, MP | | |
| 17. Hon. Qalicha Gufu Wario, MP | | |

ABSENT WITH APOLOGY

1. Hon. Christopher Omulele, CBS, MP
2. Hon. Andrew A. Okuome, MP

INATTENDANCE

SECRETARIAT

- | | | |
|-------------------------|---|--|
| 1. Ms. Leah Mwaura | - | Senior Clerk Assistant/Head of Secretariat |
| 2. Ms. Jennifer Ndeto | - | Principal Legal Counsel I |
| 3. Ms. Laureen Wesonga | - | Clerk Assistant II |
| 4. Mr. Josephat Motonu | - | Senior Fiscal Analyst |
| 5. Dr. Benjamin Ng'imor | - | Senior Fiscal Analyst |
| 6. Mr. Luka Mutua | - | Serjeant-At-Arms |
| 7. Ms. Christine Maeri | - | Audio Officer |
| 8. Ms. Hannah Mwangi | - | Intern |

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTION

- | | | |
|-------------------------|---|--------------------------------|
| 1. Mr. Noordin Haji | - | Director of Public Prosecution |
| 2. Ms. Lilian Obuo | | |
| 3. Mr. Gitonga Murang'a | | |
| 4. Ms. Ruby Okoth | | |
| 5. Mr. Abdi Ahmed | | |

ETHICS AND ANTI-CORRUPTION COMMISSION (EACC)

- | | | |
|------------------------|---|-----|
| 1. Mr. Twalib Mbarak | - | CEO |
| 2. Mr. Mwaniki Gachoka | | |
| 3. Mr. David Kaboro | | |
| 4. Ms. Regina Muriuki | | |

OTHER STAKEHOLDERS

1. Ms. Wanjiru Gikonyo - The Institute of Social Accountability
2. Mr. Stephen Osedo - Consultant, TISA
3. Ms. Caroline Moraa - Programme Assistant, PANAC

AGENDA

1. Prayers
2. Communication from the Chairperson
3. Confirmation of Minutes from the previous sitting(s) and Matters Arising
4. Stakeholder engagement on the Proceeds of Crime and Anti-Money Laundering (Amendment) Bill, 2021
5. Clause by clause consideration and adoption of the Report on the Proceeds of Crime and Anti-Money Laundering (Amendment) Bill, 2021
6. Clause by clause consideration and adoption of the Report on the Petroleum Products' (Taxes and Levies) (Amendment) Bill, 2021
7. Any Other Business
8. Adjournment/Date of Next Meeting

MIN.NO.NA/F&NP/2021/430: COMMUNICATION FROM THE CHAIRPERSON

The meeting was called to order at 3:22 p.m. and a prayer was said. The chairperson called for introduction of those present before inviting the stakeholders to make their submissions.

MIN.NO.NA/F&NP/2021/431: CONFIRMATION OF MINUTES Agenda deferred

MIN.NO.NA/F&NP/2021/432: STAKEHOLDER ENGAGEMENT ON THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING (AMENDMENT) BILL, 2021

The Committee sought the views of the Office of the Director of Public Prosecution and the Ethics and Anti-Corruption Commission on the Proceeds of Crime and Anti-Money Laundering (Amendment) Bill, 2021.

Both stakeholders were in support of the amendments proposed in the Bill. They proposed amendments to some clauses of the Bill.

(Details of the submissions made by each stakeholder are contained in Part III of the Report on the Consideration of the Proceeds of Crime and Anti-Money Laundering (Amendment) Bill, 2021).

MIN.NO.NA/F&NP/2021/433: CLAUSE BY CLAUSE CONSIDERATION AND ADOPTION OF THE REPORT ON THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING (AMENDMENT) BILL, 2021

Clause 1: Agreed to

Clause 2: (c) delete the word "undertakings" and substitute with the word "underwriters".
(d) delete the word "oversight" and substitute with the word "advisory".

Clauses 3, 4, 5, 6 and 7: Agreed to

Clause 8: Agreed to

Clause 9: Agreed to

Clause 10: amend to include law, finance, accounting and other related social sciences.

Clause 11: delete the word "oversight" and substitute with the word "advisory".

- Clause 13: delete the word "oversight" and substitute with the word "advisory".
- Clause 14: 55A: Include EACC and CBK
 - 55D: Delete
 - 55E: Delete the word "oversight" and substitute with the word "advisory".
 - 55 F: Delete the word "oversight" and substitute with the word "advisory".
 - 55G: delete the word "oversight" and substitute with the word "advisory".
- Clause 15: Insert new paragraph (3).
- Clause 16: Agreed to

The report on the consideration of the proceeds of Crime and Anti-Money Laundering (Amendment) Bill, 2021 was adopted having been proposed by Hon. Jimmy Angwenyi, MGH, MP and seconded by Hon. (Prof.) Mohamud Mohamed, MP.

MIN.NO.NA/F&NP/2021/433:

**CLAUSE BY CLAUSE CONSIDERATION
AND ADOPTION OF THE REPORT ON THE
PETROLEUM PRODUCTS' (TAXES AND
LEVIES) (AMENDMENT) BILL, 2021**

- Clause 2: Amend as proposed by Mr. Ernest Muriu
- Clause 3: Agreed to
- Clause 4: Part B: Amend the delivery rates, delete the bridging rates and amend the X factor from 80% to 100%
 - Part C: Agreed to
 - Part D: Adopt KRA's proposal
- Clause 5: Include the commencement date
- Clause 6: Include Motor Spirit Gasoline in the exemption
- Clause 7: Agreed to
- Clause 8: Agreed to
- Clause 9: Agreed to
- Clause 10: Agreed to
- Clause 11: Agreed to
- Clause 12: Agreed to
- Clause 13: Adopt KRA's proposal
- Clause 14: Agreed to
- Clause 15: amend by reinstating section 42(4A) of the Tax Procedures Act which was deleted in the Finance Act of 2021.

The Report on the consideration of the Petroleum Products' (Taxes and Levies) (Amendment) Bill, 2021 was adopted having been proposed by Hon. (Dr.) Christine Ombaka, MP and seconded by Hon. Stanley Muthama, MP.

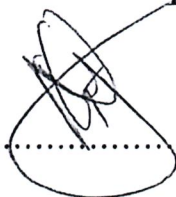
MIN.NO.NA/F&NP/2021/434:

**ADJOURNMENT/DATE OF NEXT
MEETING**

There being no other business to deliberate on, the meeting was adjourned at 6.18 p.m. The next meeting will be held on notice.

HON. GLADYS WANGA, CBS, MP
(CHAIRPERSON)

SIGNED.....



.....DATE.....

2nd Dec 2021

MINUTES OF THE 90TH SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD IN PAVILLION CONFERENCE ROOM AT HILTON GARDEN INN HOTEL ON WEDNESDAY, 1ST DECEMBER 2021 AT 9:00 A.M.

PRESENT

1. Hon. Gladys Wanga, CBS, MP - Chairperson
2. Hon. Isaac W. Ndirangu, MP - Vice-Chairperson
3. Hon. Jimmy O. Angwenyi, MGH, MP
4. Hon. Shakeel Shabbir Ahmed, CBS, MP
5. Hon. Daniel E. Nanok, MP
6. Hon. (Dr.) Christine Ombaka, MP
7. Hon. David M. Mboni, MP
8. Hon. Francis K. Kimani, MP
9. Hon. Joseph M. Oyula, MP
10. Hon. Joshua C. Kandie, MP
11. Hon. Stanley M. Muthama, MP
12. Hon. Edith Nyenze, MP
13. Hon. Catherine Waruguru, MP
14. Hon. James Gichuhi Mwangi, MP
15. Hon. (Prof.) Mohamud Sheikh Mohamed, MP
16. Hon. Peter Lochakapong, MP
17. Hon. Qalicha Gufu Wario, MP

ABSENT WITH APOLOGY

1. Hon. Christopher Omulele, CBS, MP
2. Hon. Andrew A. Okuome, MP

INATTENDANCE

SECRETARIAT

1. Ms. Leah Mwaura - Senior Clerk Assistant/Head of Secretariat
2. Ms. Jennifer Ndeto - Principal Legal Counsel I
3. Ms. Laureen Wesonga - Clerk Assistant II
4. Mr. Josephat Motonu - Senior Fiscal Analyst
5. Dr. Benjamin Ng'imor - Senior Fiscal Analyst
6. Mr. Luka Mutua - Serjeant-At-Arms
7. Ms. Christine Maeri - Audio Officer
8. Ms. Hannah Mwangi - Intern

ENERGY & PETROLEUM REGULATORY AUTHORITY (EPRA)

1. Mr. Daniel Kiptoo Bargoria - Director General
2. Eng. Edward Kinyua - Director, Petroleum and Gas
3. Mr. Norman Mudibo - Client Services Director and Consultant

NATIONAL TREASURY

1. Dr. Julius Muia - Principal Secretary
2. Mr. Musa Kathanje
3. Ms. Josephine Mugure
4. Ms. Teresa Wanjagua
5. Mr. Brian Steve
6. Ms. Monica Mbugua

KENYA REVENUE AUTHORITY

1. Ms. Lilian Nyawanda
2. Mr. Joseph Kaguru
3. Ms. Sharon Kirai

CENTRAL BANK OF KENYA

1. Dr. Patrick Njoroge
2. Mr. Kennedy Abuga

OFFICE OF THE ATTORNEY GENERAL/ASSET RECOVERY AGENCY

Col. Alice Mate

KENYA BANKERS ASSOCIATION

Mr. Raimond Molenje

FINANCIAL REPORTING CENTRE

Mr. Saitoti Maika

INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS OF KENYA

1. Mr. Hillary Onami
2. Mr. Elias Wakhisi
3. Mr. Robert Kamwaja

LAW SOCIETY OF KENYA

1. Ms. Mercy Wambua
2. Ms. Herine Kabita
3. Mr. Gichohi Waweru

ASSOCIATION OF KENYA PROFESSIONAL INSURANCE AGENTS

Mr. Anthony Mwangi

AGENDA

1. Prayers
2. Communication from the Chairperson
3. Confirmation of Minutes from the previous sitting(s) and Matters Arising
4. **Stakeholder engagement on the Petroleum Products' (Taxes and Levies) (Amendment) Bill, 2021**
5. **Stakeholder engagement on the Proceeds of Crime and Anti-Money Laundering (Amendment) Bill, 2021**
6. Any Other Business
7. Adjournment/Date of Next Meeting

MIN.NO.NA/F&NP/2021/425:

COMMUNICATION FROM THE CHAIRPERSON

The meeting was called to order at 9:25 a.m. and a prayer was said. The chairperson called for introduction of those present before inviting the stakeholders to make their submissions.

MIN.NO.NA/F&NP/2021/426:

CONFIRMATION OF MINUTES

Agenda deferred

MIN.NO.NA/F&NP/2021/427:

**STAKEHOLDER ENGAGEMENT ON THE
PETROLEUM PRODUCTS' (TAXES AND
LEVIES) (AMENDMENT) BILL, 2021**

The Committee sought the views of the following stakeholders on the Petroleum Products' (Taxes and Levies) (Amendment) Bill, 2021:

1. The Energy & Petroleum Regulatory Authority (EPRA)
2. The National Treasury
3. Kenya Revenue Authority

The stakeholders opposed most of the amendments proposed in the Bill including the proposal to reduce the gross profit margins for Oil Marketing Companies, the proposal to reduce VAT on petroleum products and LPG, the proposal to reduce the Petroleum Development Levy and the proposal to adjust inflation on excise duty on petroleum products biennially.

(Details of the submissions made by each stakeholder are contained in Part III of the Report on the Consideration of the Petroleum Products' (Taxes and Levies) (Amendment) Bill, 2021).

MIN.NO.NA/F&NP/2021/428:

**STAKEHOLDER ENGAGEMENT ON THE
PROCEEDS OF CRIME AND ANTI-MONEY
LAUNDERING (AMENDMENT) BILL, 2021**

The Committee received submissions on the Proceeds of Crime and Anti-Money Laundering (Amendment) Bill, 2021 from the following stakeholders:

1. National Treasury
2. Central Bank of Kenya
3. Office of the Attorney General/Asset Recovery Agency
4. Kenya Bankers Association
5. Financial Reporting Centre
6. Institute of Certified Public Accountants of Kenya
7. Law Society of Kenya
8. Association of Kenya Professional Insurance Agents

All stakeholders except the Law Society of Kenya were in support of the amendment to designate the legal professionals as reporting persons for purposes of the Proceeds of Crime and Anti-Money Laundering Act, 2009.

(Details of the submissions made by each stakeholder are contained in Part III of the Report on the Consideration of the Proceeds of Crime and Anti-Money Laundering (Amendment) Bill, 2021).

MIN.NO.NA/F&NP/2021/429:

**ADJOURNMENT/DATE OF NEXT
MEETING**

There being no other business to deliberate on, the meeting was adjourned at 2.56 p.m. The next meeting will be held at 3.15 p.m.

HON. GLADYS WANGA, CBS, MP
(CHAIRPERSON)

SIGNED.....DATE.....



2nd Dec 2021