

LEGAL NOTICE NO.....

THE PRIVATE SECURITY REGULATION ACT

(No. 13 Of 2016)

1.

**PRIVATE SECURITY (PROCEDURE FOR THE APPOINTMENT OF MEMBERS OF THE
BOARD) REGULATIONS, 2024**

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THE PRIVATE SECURITY REGULATION ACT

(No. 13 of 2016)

IN EXERCISE of the powers conferred by section 11(2) of the Private Security Regulation Act, 2016 the Cabinet Secretary for Interior and National Administration makes the following Regulations —

PRIVATE SECURITY (PROCEDURE FOR THE APPOINTMENT OF MEMBERS OF THE BOARD) REGULATIONS, 2024

PART I — PRELIMINARY

- Citation. **1.** These Regulations may be cited as the Private Security (Procedure for the Appointment of Members of the Board) Regulations, 2024
- Interpretation. **2.** In these Regulations, unless the context otherwise requires —
- No. 13 of 2016. “Act” means the Private Security Regulation Act, 2016;
- “Authority” means the Private Security Regulatory Authority established under section 7 of the Act;
- “Large scale employee association” means an organization of employees of large scale private security firms;
- “Large scale private security firm” means a private security firm that has more than three thousand employees;
- “Small scale employee association” means an organization of employees of small scale private security firms; and
- “Small scale private security firm” means a private security firm that has less than three thousand employees.

PART II—FORMATION OF ASSOCIATION AND THE REQUIREMENT TO MAINTAIN A REGISTER OF MEMBERS

Formation of Associations.

3. (1) Pursuant to section 11 of the Act, two or more private security firms or two or more private security service providers may form an association.
- (2) Each association shall regulate the affairs of its members in accordance with its rules and regulations

Associations to maintain a register of members.

4. (1) Every registered association representing employees and every association representing private security firms shall keep a register of its members, in which shall be entered—
 - (a) the name, address and occupation of the members, in the case of individual members;
 - (b) the name and physical address of the registered office, in the case of body corporate members;
 - (c) the date on which each member was admitted to membership;
 - (d) the payments made by each member in respect of entrance fee, monthly subscriptions or any other matter and the dates of such payments; and
 - (e) the date on which any member ceases to be a member.
- (2) Every association shall, at least fourteen days before an election is conducted submit its register to the Authority for verification.
- (3) An association that fails to keep a register of its members in accordance with sub regulation (1), shall not be eligible for election.

PART III—PROCEDURE FOR APPOINTMENT OF MEMBERS OF THE BOARD

Advertisement of vacancies.

5. Whenever a vacancy occurs in the membership of the Board relating to the members specified under section 11 (1) (b) (vi), (vii), (viii) and (ix) of the Act, the Cabinet Secretary shall, by advertisement in at least two local daily newspapers of nationwide circulation, invite applications from persons who qualify for appointment under section 11 of the Act.

6. (1) Within seven days of the advertisement under regulation 5, an association shall notify its members of the —

- (a) existence of the vacancy;
- (b) date of election, which shall not be later than sixty days from the date of notification.

- (2) The notice in sub regulation (1) shall be issued pursuant to this regulation and shall invite interested qualified members to submit nomination papers in form PSR 1 set out in the first schedule

- (3) The governing council of an association participating in an election shall —

- (a) consider and nominate an independent body to conduct the election of their representatives to the board;
- (b) obtain a written commitment from the independent body of its willingness and capacity to conduct the election; and
- (c) prior to the election submit the name of the independent body, so nominated, to the members of the association for approval in a general meeting.

Election of representatives by associations.

- (4) The membership of associations shall be divided into the following categories which shall be the electoral units for purposes of elections under these Regulations—

- (a) small scale employee associations;
- (b) large scale employee associations;
- (c) small scale private security firms; and
- (d) large scale private security firms.

- (5) A voter shall vote for three candidates in every electoral unit to which the voter entitled to vote and the Cabinet Secretary shall appoint a representative accordance with regulation 14.

Nomination of candidates.

7. (1) A person shall be eligible for election as a representative if the person is supported by at least —
- (a) one hundred registered members, in the case of a representative of a small scale employee association;
 - (b) one hundred registered members, in the case of a representative of a large scale employee association;
 - (c) five registered members, in the case of a representative of large private security firms; or
 - (d) twenty registered members, in the case of a representative of small private security firms.
- (2) Every association shall notify its members on the date of collection and return of the nomination forms.
- (3) Upon receipt of all nomination forms, the independent body shall keep a register of the candidates who have submitted nomination papers.
- (4) The register shall contain —
- (a) the name of the candidate; and
 - (b) the date and time the nomination paper was delivered to the association
- (5) The person delivering the nomination paper; and the person receiving the paper shall both sign the register.

Scrutiny of nomination papers

8. (1) The independent body shall within 7 days after the deadline set for submitting the nomination paper scrutinize the nomination papers and determine those who qualify to contest in the election.
- (2) The independent body shall immediately issue notice; for publication on its website and the website of the association specifying the names and any other relevant details of the candidates who have been validly nominated.

9. A person shall not be eligible for election unless the person—

- (a) is an employee of the rank of a supervisor of a small private security firm, in the case of a representative of a small association;
- (b) is an employee of the rank of a supervisor of a large private security firm, in the case of a representative of a large association;
- (c) is a small private security firm, with its registered office within Kenya, in the case of a representative of a small private security firm; or
- (d) is a large private security firm, with its registered office within Kenya, in the case of a representative of a large private security firm.

10. A natural person standing for election under these Regulations shall—

- (a) be registered with the Authority as a private security service provider;
- (b) not have a criminal record;
- (c) meet the requirements of Chapter Six of the Constitution.

Publication of List of
Voters

- 11. (1)** The independent body shall at least seven days before the date set for election publish the list of voters on its website and the website of the association. or by such other method as the governing council of the association may in writing approve.
- (2)** The list of voters shall contain the particulars of members who are eligible to vote and a member is entitled to verify the particulars in the list of voters.
- (3)** No person shall be eligible to vote in an association if the person has not paid their membership entrance fee or has more than one year's arrears of the monthly subscriptions

Procedure for voting

- 12. (1).** Voting shall be conducted between 8am to 5pm but the independent body may extend the period for not more than 2 hours for a good cause to be recorded in writing.
- (2).** A voter shall present their national identity card to an election official before being allowed to vote.
- (3)** The independent body shall ensure that—
- (a) the elections are open for every member willing to vie or vote;
 - (b) the right person votes and that there is no possibility of a person voting more than once;

- (c) the representatives of employee organizations are employees of registered private security firms without ownership rights;
 - (d) the representatives of the registered private security firms are persons with ownership right;
 - (e) there is an adequate supply of ballot papers as set out in Form PSR 2 in the First Schedule; and
 - (f) ballot boxes are fitted with lock and key.
- (4) The names of all candidates in the election shall be printed on the ballot paper or sent to every voter on a separate piece of paper along with the ballot paper.
- (5) The independent body shall make arrangements to enable —
- (a) an eligible voter who may not be able to attend the poll on the election day, to vote in advance by post or by proxy using Form PSR 3 in the First Schedule;
 - (b) every eligible voter, at a place adjacent to the ballot box, to obtain a ballot paper, mark and fold it, and deposit it in the ballot box;
 - (c) every eligible voter to vote without interference from the association, its officials or other members; and
 - (d) a member who is unable to read and write or otherwise unable to vote, be assisted or supported to the extent necessary by a person of the voter's own free choice.
- (6) The name of each member to whom a ballot paper is issued, or proxy form received, shall be marked off on the list of members by the person handing out the ballot papers.
- (7). The independent body conducting the elections shall —
- (a) examine the ballot papers;
 - (b) count the valid votes;
 - (c) count the spoilt ballot papers; and
 - (d) sign the certificates for the results of the ballot set out in the Form PSR 4 in the First Schedule.

(8) The signed copy of the certificate shall be posted in the registered office of the association and in every branch office for a period of not less than one week after the conclusion of the secret ballot.

(9). The cost of conducting an election shall be borne by the respective associations.

(10). For the avoidance of doubt—

(a) every member, whether body corporate or natural person shall have one vote and shall be accorded equal voting rights;

(b) only members who are natural persons shall elect representatives of employee associations; and

(c) only registered private security firms shall elect representatives of private security firms.

Oversight Powers of the Authority

13. The Authority shall have oversight powers and may intervene in any manner necessary to ensure effective conduct of the elections.

Appointment of elected representatives.

14. After the expiry of seven days from the date of elections, an association shall submit the election results to the Cabinet Secretary who shall appoint one person from the three members elected for each electoral unit, to be members of the Board as provided under section 11 (1) (b) (vi) and (vii) of the Act.

Appointment of representative of residents association.

15. (1) Within twenty-eight days of issuance of the advertisement under regulation 5, every registered residents association intending to nominate a person for appointment in the Board shall submit to the Cabinet Secretary the name and particulars of the nominee in Form PSR 5 in the First Schedule.

(2) Upon lapse of the twenty-eight days specified in sub regulation (1), the Cabinet Secretary shall appoint one of the nominees to represent the interest of residents in the board.

Appointment of nominee by the Kenya Private Sector Alliance.

16. (1) Within twenty-eight days of issuance of the advert under regulation 5, the Kenya Private Sector Alliance shall nominate three persons for appointment in the Board in Form PSR 6 in the First Schedule.

- (2) Upon lapse of the twenty-eight days specified in sub regulation (1), the Cabinet Secretary shall appoint one of the nominees to represent the interests of the private sector.

Vacation of
Positions.

- 17.** (1) All positions in the Board under section 11 (1) (b) (vi), (vii), (viii) and (ix) of the Act shall fall vacant upon gazettelement of these Regulations and shall be filled in accordance with these Regulations.
- (2) A member of the Board who vacates office under sub regulation (1) shall be deemed to have served one term.

FIRST SCHEDULE

FORM PSR 1

(r 6 (2))

FORM PSR 1: ELECTION NOMINATION FORM

NOMINATION FOR:

☐

Representative from registered associations representing employee organizations

☐

Representative from registered associations representing private security firms.

(Tick that which is applicable. Note: only one position per candidate)

NAME:

(surname)

(middle name)

(first name)

NATIONAL ID/PASSPORT:

NAME OF REPRESENTATIVE ASSOCIATION:

MEMBERSHIP ID IN THE REPRESENTATIVE ASSOCIATION:

REGISTERED RESIDENTIAL ADDRESS:

CURRENT POSITION & PLACE OF WORK:

PROFESSIONAL QUALIFICATIONS:

.....

.....

PREVIOUS LEADERSHIP GOVERNANCE EXPERIENCE (IF ANY):

COLLEGE-RELATED & OTHER PROFESSIONAL ACTIVITIES (Other than Private Security)

.....
.....

NAME ON BALLOT PAPER:.....

(The name to be printed on the ballot paper must be your name as it appears in your national Id or Passport.)

NAME OF FIRST NOMINATOR:.....

ID./PASSPORT NO.:.....

NAME OF REPRESENTATIVE ASSOCIATION:.....

MEMBERSHIP ID IN THE REPRESENTATIVE ASSOCIATION:.....

NAME OF SECOND NOMINATOR:

ID./PASSPORT NO.:.....

NAME OF REPRESENTATIVE ASSOCIATION:.....

MEMBERSHIP ID IN THE REPRESENTATIVE ASSOCIATION:.....

Your nomination must be accompanied by a candidate's profile of not more than 150 words plus your name, address and contact numbers. The profile must be printed in a single A4 Page and must be accompanied with a recent colored pass- port size photo.

CONSENT: By signing this nomination form I, if appointed, consents to act as a member of the Private Security Regulatory Authority Board.

SIGNATURE OF NOMINEE:Date:

NOMINATED BY: First Nominator.....(Please print and sign)

Second Nominator(Please print and si

FORM PSR 2

(r 12 (3) (e))

FORM PSR 2: BALLOT PAPERS FORM

ELECTION OF REPRESENTATIVE TO THE PRIVATE SECURITY REGULATORY AUTHORITY BOARD FOR THE <i>[insert name of electoral Unit]</i>	
Vote for only three candidates by putting a mark in the box next to your choice.	Tick Here
Name of First Candidate	
Name of Second Candidate	
Name of Third Candidate	
Name of Fourth Candidate	
Name of Fifth Candidate	

FORM PSR 3

(r 12 (5) (a))

FORM PSR 3: VOTING BY PROXY FORM

ABOUT YOU

NAME:
(surname) (middle name) (first name)

NATIONAL ID/PASSPORT:.....

MEMBERSHIP ID:.....

CONTACT DETAILS:.....

AT WHICH ELECTION DO YOU WANT YOUR PROXY TO VOTE(include date of election):

.....
.....

EXPLAIN WHY YOU ARE NOT ABLE TO VOTE ON THE DAY OF ELECTION:.....

.....
.....

WHAT IS THE RELATIONSHIP BETWEEN YOU AND YOUR PROXY?:.....

.....

ABOUT YOUR PROXY

NAME:
(surname) (middle name) (first name)

NATIONAL ID/PASSPORT:.....

MEMBERSHIP ID:.....

CONTACT DETAILS:.....

Declaration: The details on this form are true and accurate. I understand that to provide false information on this form is an offence. I have asked the person I have named as my proxy and confirm that he/she is willing and able to be appointed to vote on my behalf.

.....
Signature of Applicant

.....
Date(dd/mm/yyyy)

PROXY:

.....

Signature of Proxy

.....

Date(dd/mm/yyyy)

FOR OFFICIAL USE ONLY

ELECTION OFFICIAL NAME:.....

POSITION HELD DURING ELECTIONS:.....

.....

Signature

.....

Date(dd/mm/yyyy)

FORM PSR 4

(r. 12 (7))d)

FORM PSR 4: CERTIFICATE OF ELECTION RESULTS FORM

I certify that the results of the election for representatives to the Private Security Regulation Board for _____
(insert name of electoral unit) held on _____(dd/mm/yyyy) were as follows:

No.	Name of Candidate	Constituency	Number of votes
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Total Number of eligible voters: _____

Total Valid Votes: _____

Total Invalid Votes: _____

Percentage of Voter Turnout: _____

Name of returning officer: _____

.....

(signature of returning officer)

(dd/mm/yyyy)

FORM PSR 5

(r. 15 (1))

FORM PSR 5: NOMINATION FORM FOR A REPRESENTATIVE OF REGISTERED RESIDENTS ASSOCIATION TO THE BOARD

NAME OF RESIDENTS ASSOCIATION:.....

DATE OF ESTABLISHMENT:.....

REGISTRATION NO.:.....

AREA THE ASSOCIATION REPRESENTS:.....

NO. OF MEMBERS IN THE ASSOCIATION(Attach list of members with this document):.....

PHYSICAL LOCATION OF THE ASSOCIATION:.....

STATE THE CRITERIA IN WHICH THE NOMINEE WAS SELECTED(Attach minutes that led to this selection):.....

.....

.....

.....

NAME OF NOMINEE:

(surname)

(first name)

(middle name)

NATIONAL ID:/PASSPORT

MEMBERSHIP ID IN THE RESIDENTS ASSOCIATION:.....

YEAR OF MEMBERSHIP TO THE ASSOCIATION:.....

POSITION HELD IN THE RESIDENTS ASSOCIATION(if any):.....

PHYSICAL RESIDENTIAL ADDRESS(attach proof of residence):.....

.....

PLACE OF WORK & CURRENT POSITION:

.....

PROFESSIONAL QUALIFICATIONS:.....

.....

.....

PREVIOUS LEADERSHIP EXPERIENCE(if any):.....

.....

.....
PROFESSIONAL ACTIVITIES IN RELATION TO PRIVATE SECURITY(if any):.....
.....

Your nomination must be accompanied by a candidate's profile of not more than 150 words plus your name, address and contact numbers. The profile must be printed in a single A4 Page and must be accompanied with a recent colored pass- port size photo.

CONSENT: By signing this nomination form I, if appointed, consents to act as a member of the Private Security Regulatory Authority Board.

NOMINEE:

(signature)

(date:dd/mm/yyyy)

SECRETARY TO THE ASSOCIATION:

NAME:

(surname)

(first name)

(middle name)

NATIONAL ID/PASSPORT(attach a colored copy):.....

CONTACT DETAILS:

PHYSICAL RESIDENTIAL ADDRESS(attach proof of residence):.....
.....

(signature)

(date:dd/mm/yyyy)

CHAIRMAN TO THE ASSOCIATION:

NAME:

(surname)

(first name)

(middle name)

NATIONAL ID/PASSPORT(attach a colored copy):.....

CONTACT DETAILS:

PHYSICAL RESIDENTIAL ADDRESS(attach proof of residence):.....
.....

(signature)

(date:dd/mm/yyyy)

FORM PSR 6: NOMINATION FORM FOR A REPRESENTATIVE FROM KEPSA TO THE BOARD (r.16(1))

DETAILS OF FIRST NOMINEE

NAME OF ORGANISATION NOMINEE BELONGS TO:.....

REGISTRATION NO. OF ORGANISATION(attach a copy of certificate of incorporation):.....

INDUSTRY IN WHICH THE ORGANISATION BELONGS TO:.....

NAME OF NOMINEE:

(surname) (first name) (middle name)

NATIONAL ID/PASSPORT:.....

MEMBERSHIP ID OF ORGANISATION IN KEPSA:.....

YEAR OF MEMBERSHIP TO THE ASSOCIATION:.....

POSITION HELD IN KEPSA(if any):.....

CURRENT POSITION HELD IN ORGANISATION:

PROFESSIONAL QUALIFICATIONS:.....

PREVIOUS GOVERNANCE EXPERIENCE(if any):.....

PROFESSIONAL ACTIVITIES IN RELATION TO PRIVATE SECURITY(if any):.....

DETAILS OF SECOND NOMINEE

NAME OF ORGANISATION NOMINEE BELONGS TO:.....

REGISTRATION NO. OF ORGANISATION(attach a copy of certificate of incorporation):.....

INDUSTRY IN WHICH THE ORGANISATION BELONGS TO:.....

NAME OF NOMINEE:

(surname) (first name) (middle name)

NATIONAL ID/PASSPORT:.....

MEMBERSHIP ID OF ORGANISATION IN KEPSA:

YEAR OF MEMBERSHIP TO THE ASSOCIATION:

POSITION HELD IN KEPSA(if any):

CURRENT POSITION HELD IN ORGANISATION:

PROFESSIONAL QUALIFICATIONS:

PREVIOUS GOVERNANCE EXPERIENCE(if any):

PROFESSIONAL ACTIVITIES IN RELATION TO PRIVATE SECURITY(if any):

DETAILS OF THIRD NOMINEE

NAME OF ORGANISATION NOMINEE BELONGS TO:

REGISTRATION NO. OF ORGANISATION(attach a copy of certificate of incorporation):

INDUSTRY IN WHICH THE ORGANISATION BELONGS TO:

NAME OF NOMINEE:

(surname) (first name) (middle name)

NATIONAL ID/PASSPORT:.....

MEMBERSHIP ID OF ORGANISATION IN KEPSA:.....

YEAR OF MEMBERSHIP TO THE ASSOCIATION:.....

POSITION HELD IN KEPSA(if any):.....

CURRENT POSITION HELD IN ORGANISATION:

.....

PROFESSIONAL QUALIFICATIONS:.....

PREVIOUS LEADERSHIP EXPERIENCE(if any):.....

.....

PROFESSIONAL ACTIVITIES IN RELATION TO PRIVATE SECURITY(if any):.....

.....

Your nomination must be accompanied by a candidate's profile of not more than 150 words plus your name, address and contact numbers. The profile must be printed in a single A4 Page and must be accompanied with a recent colored passport size photo.

CONSENT: By signing this nomination form I, if appointed, consents to act as a member of the Private Security Regulatory Authority Board.

FIRST NOMINEE:

(signature) (date:dd/mm/yyyy)

SECOND NOMINEE:

(signature) (date:dd/mm/yyyy)

THIRD NOMINEE:

(signature) (date:dd/mm/yyyy)

SECRETARY TO THE ALLIANCE:

NAME:

(surname) (first name) (middle name)

NATIONAL ID/PASSPORT(attach a colored

copy):..... CONTACT DETAILS:

..... PHYSICAL

RESIDENTIAL ADDRESS(attach proof of residence):.....

.....

(signature)

(date:dd/mm/yyyy)

CHAIRMAN TO THE ALLIANCE:

NAME:

(surname) (first name) (middle name)

NATIONAL ID/PASSPORT(attach a colored copy):.....

CONTACT DETAILS:

.PHYSICAL RESIDENTIAL ADDRESS(attach proof of

residence):.....

.....

(signature)

(date:dd/mm/yyyy)

Made on the _____, 2024

KITHURE KINDIKI,

Cabinet Secretary for Interior and National Administration