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NEWSLETTER

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NGOS ARE NOW MORPHING INTO PBOS - PUBLIC BENEFIT ORGANISATIONS

The Public Benefits Organisations Act, 2013 (the “**Act**”) was assented to by the President on 14th January 2013 and will come into force on such date as the Cabinet Secretary responsible for planning and national development shall appoint through a Gazette notice.

The Act will repeal the Non-Governmental Organisations Co-ordination Act (the “**NGO Act**”) and also introduce a number of changes with regard to the operations of Non-Governmental Organisations (“NGOs”) in Kenya. The Act renames **NGOs** and similar organisations to public benefit organisations.

We have analysed the key provisions of the Act below.

- **What is a PBO?**

A public benefit organisation (“**PBO**”) is defined to mean a voluntary membership or non-membership grouping of individuals ...

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- **A More Hands-On Approach by the Government**

The Act makes it a duty of the Government to provide an enabling environment for PBOs to be established and to operate by adhering to principles...

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- **Shortening of Application Procedures**

The Act requires the Authority within sixty (60) days of receiving an application, to consider the application and any further information provided...

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- **Possible to be Exempted or Operate as a Branch**

An international non-governmental organisation may register as a PBO in Kenya under the Act by delivering the requisite documents...

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- **Presumption of Registration**

Where, upon the expiry of Sixty (60) days from the date a PBO makes an application for registration under Section 9 (1), no decision has...

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- **A Check On Authority's Powers**

The Act makes provision for an applicant who is aggrieved by the decision of the Authority to apply to the Authority for review of its decision within ...

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- **Miscellaneous Provisions**

The Act makes provision for the voluntary winding up and dissolution of PBOs provided that the PBO's assets which remain after its liabilities ...

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AUTHORS



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Philip Coulson is an experienced lawyer having qualified in the UK (1991) and worked as an English Solicitor. He holds a current solicitor's practising certificate from the Law Society of England & Wales. From 1994 to 2008 he worked with Kaplan & Stratton, one of Kenya's leading law practices.



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Prior to joining Coulson Harney in 2012, Amar spent over 8 years practicing law in Kenya with some experience in New York. He was admitted as an Advocate in 2007.



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The Act provides a better regulatory framework for public benefit organisations in Kenya when compared to the NGO Act. It accords more benefits to entities registered under it and provides for a shorter registration period. This could be attributed to the fact that the Act was essentially an initiative of civil society organisations in Kenya and was introduced in Parliament as a private member's Bill. It is also worth noting that the Non Governmental Organisations Co-ordination Board had developed a separate Bill which remains a draft Bill and might not be fully in support of the Act.

Daniel was admitted as an Advocate of the High Court of Kenya in December 2010. He is a member of the Law Society of Kenya.