

REPUBLIC OF KENYA
IN THE HIGH COURT NAIROBI
COMMERCIAL AND TAX DIVISION
MILIMANI LAW COURTS
MISCELLANEOUS CIVIL APPLICATION NO. E721 OF 2020

IN THE MATTER OF: KENYA PRIVATE SECTOR ALLIANCE LIMITED (KEPSA)

**IN THE MATTER OF: AN APPLICATION FOR AN ORDER ALLOWING THE
CONVENING OF AN ANNUAL GENERAL MEETING UNDER SECTION 280 OF
THE COMPANIES ACT, 2015**

IN THE MATTER OF: THE PUBLIC HEALTH ACT (CAP 242) LAWS OF KENYA

**IN THE MATTER: OF THE NOVEL CORONA VIRUS 2019(COVID-19)
PANDEMIC**

**IN THE MATTER OF: THE PUBLIC HEALTH (COVID-19 RESTRICTION OF
MOVEMENT OF PERSONS AND RELATED MEASURES) RULES,2010**

ORDER

THIS MATTER coming up before Honourable Justice D.S.Majanja for Mention on 9th June 2020 and **UPON READING** the consent letter dated 9th June 2020 and filed by Counsel for the Applicant

IT IS HEREBY ORDERED BY CONSENT:

1. **THAT** in view of the application by KEPSA for leave to conduct virtual and/or hybrid meetings on the basis of the impracticability to hold physical general meetings due to the ongoing novel Coronavirus 2019 (COVID-19) pandemic and the related public health regulations and directives passed by the Government of Kenya precluding inter alia public gatherings
2. **THAT** leave be and is hereby granted to Kenya Private Sector Alliance Limited to hold, convene, and/or otherwise conduct a general meeting employing the use of technology, which technology is to include, but not limited to, the use of virtual, electronic, telephonic and/or any other hybrid means necessary to facilitate the running of the general meeting and all related business thereto, subject to compliance with the provisions of the Companies Act, the regulations and the guidelines issued by the Registrar 'Guidelines on the Conduct of Hybrid and Virtual General Meetings by Companies' published on the Business Registration Service website, www.brs.go.ke

3. **THAT** leave be and is hereby granted to Kenya Private Sector Alliance Limited's members who are not listed limited liability companies, who so desire, to hold, convene, and/or otherwise conduct general meetings employing the use of technology, which technology is to include, but not limited to, the use of virtual, electronic, telephonic and/or any other hybrid means necessary to facilitate the running of the general meeting and all related business thereto, subject to compliance with provisions of the Companies Act, the regulations and the guidelines issued by the Registrar 'Guidelines on the conduct of Hybrid and Virtual General Meetings by Companies' published on the Business Registration Service website, www.brs.go.ke
4. **THAT** the orders so granted in 2 and 3 above be applicable to any company which it impracticable to conduct its general meeting in the manner required by its Articles of Association and the Companies Act due to the ongoing Covid-19 pandemic restrictions under the Public Health Act and other related public health laws, regulations and directives currently in force and as may be passed from time to time.
5. **THAT** it is hereby ordered that any meeting convened, held and conducted in accordance with this order be taken for all purposes to be a general meeting of the company properly convened, held and conducted.
6. **THAT** this order shall be published on the Business Registration Service website www.brs.go.ke

GIVEN under my Hand and the Seal of the Court at Nairobi this 9th day of May, 2020

ISSUED at Nairobi this

15th day of June

2020

DEPUTY REGISTRAR
HIGH COURT OF KENYA
NAIROBI



Certify that this is a true copy of the original

DEPUTY REGISTRAR
HIGH COURT OF KENYA

Date: 15/6/2020