

POSITION STATEMENT AND CLARIFICATION

We refer to an opinion piece by Columnist Jenny Luesby, published in the Business Daily on Wednesday 13th July 2022 on page 8, titled “Dear Registrar, sort your records out”. The Business Registration Service (“BRS”) would like to provide the correct position on the matter.

On 13th October 2020, BRS operationalized the Beneficial Ownership e-Register in accordance with Section 93A of the Companies Act, 2015 (“the Act”) and the Companies (Beneficial Ownership Information) Regulations, 2020 that requires all companies registered under the Act to prepare and submit a copy of the Beneficial Ownership register to the Registrar of Companies. The deadline for lodgment lapsed on 31st July 2021. However, we continue to encourage entities to comply with the BOI Regulations.

In the month of June, 2022, the Registrar of Companies issued compliance notice to eighty-nine thousand private companies that are linked and verified but are not yet Beneficial Ownership Information compliant. The mailing list erroneously included struck-off companies.

We wish to apologize for the error and request companies that are struck off and received the compliance notice to disregard the same. We shall as well be issuing a formal communication to the each of affected companies to retract the compliance notice.

For further enquiries and clarification, you can contact the Companies Registry via registrar@brs.go.ke .

KENNETH GATHUMA
DIRECTOR-GENERAL

14th July 2022