



COMMUNITY GROUPS REGISTRATION ACT NO.30 OF 2022

FREQUENTLY ASKED QUESTIONS (FAQS)



What are the Key Definitions?



2. **Community** means persons resident in the same geographic locality or who are considered as a unit because of their shared common interests



3. **A community group** is a voluntary association of individuals from the same community which is self-organized for a common purpose aimed at improving the livelihood of the group members or for a community benefit and includes a special interest group, community project and community-based organization but shall not include a Public Benefit Organization (PBO), Non-Governmental Organization (NGO) or groups formed to champion a political cause or contrary to public policy;



1. **Civil Society Organizations** means organizations that provide technical and advocacy support to the communities but do not provide funding

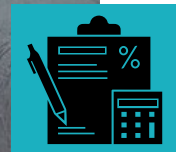
What are the Responsibilities of Director of Social Development?



Mobilize, register, supervise, monitor and evaluate projects by community groups



Capacity build and develop training programs



Approve, monitor and evaluate budget proposals

What are the responsibilities of County Coordinator of Social Development?



Establish and supervise social development committee




Nominate representatives of CSO and social development partners to the committee


What is the Composition of Social Development Committees




Each sub-county will have a social development committee established and it will comprise of:


 **Sub-county social development officer** from the national government

 **Two representatives** from the county government

 **A representative** of the deputy county commissioner for sub county

 **Four representatives** of development partners and CSO in the county nominated by county coordinator of social development

 **Five representatives** of registered community groups in the sub county

 **A representative** of the national government in the sub county

What are the Roles of Social Development Committees



Link the national government and community groups, communities and development partners



Support capacity building for its members and community group members



Prioritize on types of programs and project to be implemented



Support community mobilization, formation and registration of community groups



Support mobilization, awareness creation on social development program



Provide information on current and emerging social and community development needs



Support director in monitoring and evaluation and research on community programs



Support dispute resolution and management of community groups



Support social impact assessment and social risk assessment processes at the county.

What are the New Requirements for Registration of Community Groups



The community group qualifies for registration when: The members are adults; members have a common purpose; and the community group has at least 10 persons or at least 5 persons for the case of special interest groups.



Application may be rejected if: Applicants fail to comply with the act; Applicants pursue an unlawful or immoral cause which is prejudicial to the peace and community welfare; the Constitution of community group is inconsistent with the law; the Applicant has submitted false or misleading information; The proposed name of community group resembles name of registered community group, PBO or NGO.



Director shall **within 14 days** of receiving an application either register or refuse to register a community group.



A community group registered under this act may on **expiry of two years** apply to the Director for the **renewal of its registration.**



The Director may cancel the registration if: The members fail to comply with the community group constitution; Members fail to comply with the act; Community group fail to submit any information required under this act; The group was fraudulently registered



The Director shall give the office bearers of the group a 14-day notice of the intention to cancel the group and an opportunity to make presentation as to why the group should not be cancelled.

What does the law say on Mergers and Amalgamation?



Amalgamation means the arrangement where two or more community groups unite to form a community-based organisation but the constituent community groups retaining their respective individual identities;



Merger means the arrangement where two or more community groups dissolve in order to unite into a single community group and the dissolved community groups lose their individual identities;



A community group shall not merge with another community group unless at least three quarters of all the members of each of the community groups agree to the merger.



Director of Social Development **MUST** approve proposal for mergers and amalgamations and issue a certificate

Can anyone become an office bearer of a community Group?



A person who has been convicted of a crime involving fraud or dishonesty shall not, within a period of five years from the date of conviction, be eligible to be appointed or elected:

- as an **office bearer** of a community group;
- to any office the holder of which
- is responsible for the collection, disbursement, custody or control of the funds of a community group or for a community group's accounts;
- or as an **auditor** of a community group.



A member of a community group shall not be elected or appointed as the auditor of the community group.

What Offences are prescribed in the new Law?

A person commits an offence if that person:



Has not been duly **appointed or elected** as an office bearer of a community group and acts or purports to act as an office bearer of that community group;



Having been appointed or elected as an office bearer of a community group other than at the time of the formation of the community group, acts as an office bearer after the end of the period agreed by the members without giving a notification to the Director.

How has the new law addressed the issue of Dispute Resolution?



1. Each community group shall, in its **constitution**, prescribe mechanisms for the resolution of **disputes between one** member of the community group and another.



2. If a dispute occurs **between one community group and another** community group, parties shall refer the dispute to the **sub-county social development committee** which

shall hear and determine the dispute expeditiously.



3. Where a sub-county social development committee fails to determine a dispute that has been referred to it under subsection (2), it shall refer the dispute to the relevant county social development committee which shall hear and determine the dispute expeditiously.



4. Where a county social development committee fails to determine a dispute referred to it under subsection (3), it shall refer the dispute to the Director who shall hear and determine the dispute expeditiously.

What are the Reporting Requirements?



1. Every community group shall, **once every two years**, furnish the Director, by the 30th June of the year in which it is made, a report, which shall provide for the community group's (a) activities; (b) financial affairs; (c) any other matter as may be required by the Director.



2. A report under this section shall be **adopted at the community group at its annual general meeting** before being submitted to the Director under subsection



3. Where a community group is unable to comply with report, it **shall notify the Director** stating the reasons it is unable to comply.



4. Any person who wilfully makes or orders or causes or procures to be made any false entry in or omission from a report made under this section **commits an offence.**



5. The Director may levy a **late-filing fee** on a community group that submits a report required under this section out of time without notifying the Director of the delay in accordance with subsection (3).



6. The Director may suspend the certificate of a community group that fails to submit a report required to be submitted under this section until the community group submits the report.

Does the law speak to the issue of Members Register?

A community group registered under this Act Register **of shall keep a register of its members** in such form as may be prescribed, and shall cause to be entered in the register the name and contact address of each member and the date of admission into membership

A community group which **contravenes the above commits an offence** and



1. the community group shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or suspension for such period as the offence continues or to both; and



2. every office bearer shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both



A community group shall enter in its register the date on which a person ceases to be a member of the community group within fourteen days from that date.

