



FORMATION DOCUMENTS DISCLOSURE REQUIREMENTS- INVESTMENT COMPANYⁱ

Regulation 5 and Part I- Second Schedule Capital Markets (Collective Investment Scheme Regulations), 2023

Para	Requirement	Met Y/N	Comments
2	The incorporation documents shall contain the following:		
	a) the head office of the company is situated in Kenya;		
	b) the company is an investment company;		
	c) the shareholders are not liable for the debts of the company;		
	d) the assets under management is entrusted to a custodian for safekeeping, subject to any exceptions permitted by scheme regulations; and		
	e) charges or expenses of the company that may be taken out of the assets under management		
3	The incorporation documents shall provide for the following matters;		
	a) the objects of the company;		
	b) any matter relating to the procedure for the appointment, retirement and removal of a director of the company which is not provided for in these regulations; and		
	c) the currency in which the accounts of the company are to be prepared		
	d) The object of an investment company shall be a statement that the object		

	<p>of the company is to invest the assets under management in property of a kind described in the statement, the holding of which is consistent with any requirements of these regulations, with the aim of spreading investment risk and giving its shareholders the benefit of the results of the management of that property.</p> <p>e) The object of the company may differ from that set out above only to the extent that it provides for restriction of the range of property in which investment may be made</p>		
4.	The incorporation documents shall also contain the following matters—		
	a) the name of the company;		
	b) the category, if any is specified in these regulations, to which the company belongs;		
	c) the maximum and minimum sizes of the company's paid-capital which comprises the assets thereof less the liabilities;		
	d) the investment objectives of the company;		
	e) the classes of shares that the company may issue indicating, in the case of an umbrella company, which class or classes of shares may be issued in respect of each part of the assets under management that is pooled separately;		
	f) the rights attaching to shares of each class, including any provision for the expression in two denominations of such rights;		
	g) if the company is to be able to issue investment shares, a statement to that effect together with details of any limitations on the classes of the company's shares which are to include investment shares		

ⁱ The checklists issued by the Capital Markets Authority Kenya(CMA) are intended to provide clarity and assistance in navigating regulatory requirements. However, it is important to note that these checklists are not intended to serve as a substitute for reading and comprehending the regulations themselves. Individuals and entities subject to regulatory oversight should familiarize themselves with the applicable laws, rules, and regulations, and seek appropriate legal or professional advice as needed. The checklists provided by the Capital Markets Authority are meant to supplement, not replace, a thorough understanding of regulatory obligations