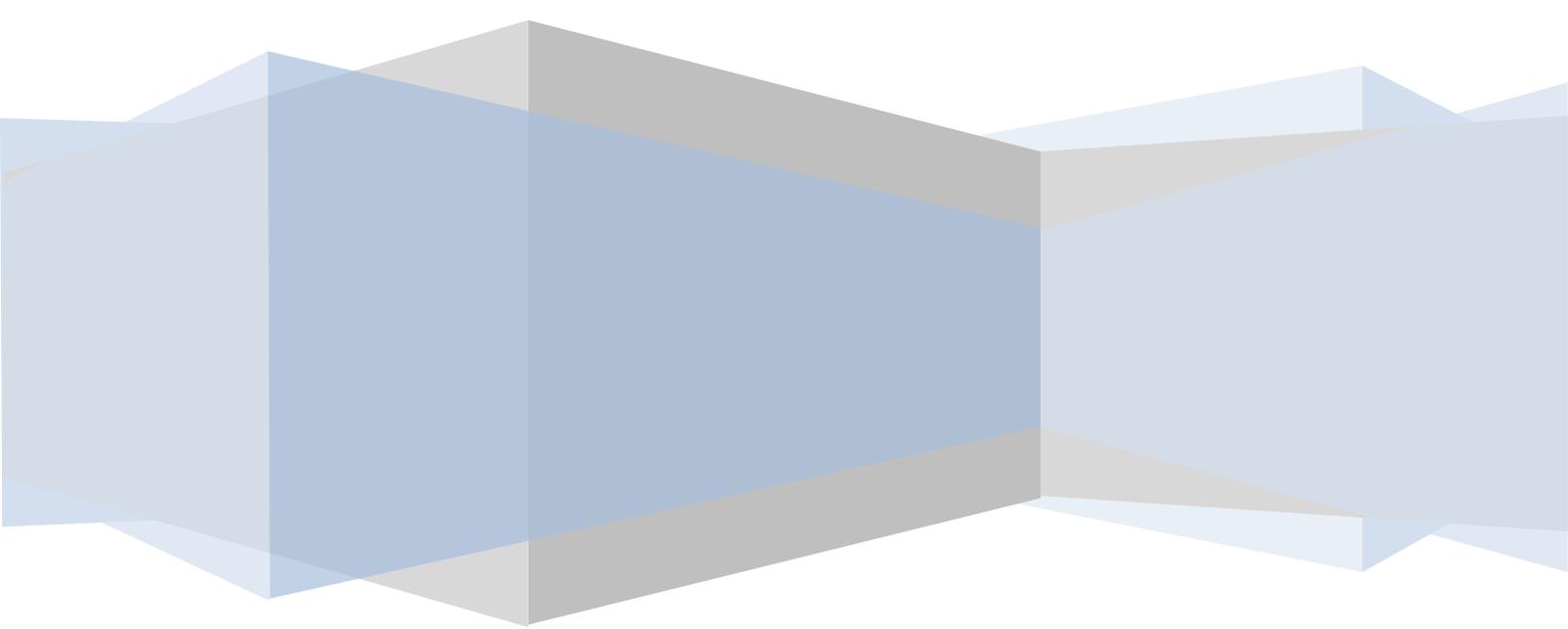




GUIDANCE NOTE ON POWERS OF ATTORNEY

AUGUST 2015



POWERS OF ATTORNEY

Power of Attorney (POA) is a formal instrument by which one person empowers another to represent him or act in his behalf for certain purposes. The power may be limited and may refer to particular/specific acts or it may be unlimited and general in its form.

Requirements

1. The full names and addresses of the donor (the person giving the POA) and the appointed attorney must be stated in the POA.
2. The POA must be executed in accordance with the requirements of the law. It must be signed by the donor and the signature must be witnessed by an individual who is not party to the power of attorney. If the donor/grantor is a corporate entity the power must be executed under Seal.
3. Powers of Attorney (POA) must be stamped (payment of stamp duty) and registered in Kenya in the Register of Powers of Attorney under the Registration of Documents Act.
4. A power of Attorney can be given to a company i.e. a company can be appointed as an attorney and requisite powers donated to it.
5. Several persons may appoint same attorney/s jointly or separately and several parties may join in one power appointing an attorney for their joint or separate purposes.
6. If the POA has been issued by a company, a copy of the Memorandum and Articles of Association of the company and a company resolution authorizing the POA must be presented.

Foreign Powers of Attorney

1. For a foreign Power of Attorney to have authority in Kenya, it must be registered here in Kenya (see note 3 above). This is required even if the POA is registered in its country of origin.
2. A Notary Public stamp from the embassy of the POA's country of origin in Kenya will be required to verify the authenticity of the POA (any other form of legalization of the POA is acceptable). It is also important to establish that it was procedurally and duly registered in its country of origin.

3. If the POA is in another language, a Certificate from the country's embassy verifying the interpretation must be obtained and presented.