

ANNEX 1: TEMPLATE OF THE AFFIDAVIT TO BE SUBMITTED

REPUBLIC OF KENYA

IN THE MATTER OF OATHS AND STATUTORY DECLARATIONS ACT

CHAPTER, LAWS OF KENYA

AND

**IN THE MATTER OF AN APPLICATION FOR LICENSE FROM THE
COMMUNICATIONS AUTHORITY OF KENYA**

AFFIDAVIT

I, _____ Number
of P o s t Office B o x

_____ (Town) _____ (Postcode) _____

do hereby make oath and state as follows:

1. THAT I am an adult of sound mind and _____

(*position/ status in the applicant entity*) of _____ (*name of
the applicant*) and hence competent to swear this Affidavit.

2. THAT I am a citizen of the _____ and holder of

National Identity Card No. (or Passport No.) _____.

3. THAT _____ (*name of the applicant*) has resolved to
make an application to the Authority for a
_____ (*name of the licence in accordance with the
Authority's Market Structure*) licence/s.

4. THAT I have submitted the following copies of our documents in support of the said application:

4.1. Registration and ownership status:

4.1.1. For an applicant registered under the Companies Act (Cap 486):

4.1.1.1. Copy of Certificate of Incorporation

4.1.1.2. a copy of **current** CR12 (less than 2 months old) from the Registrar of Companies listing Names of shareholders, their addresses, their nationalities, shares held by each, names of directors and whether directors are nominees or not or whether non shareholder directors— Original Form CR/12

4.1.1.3. Attached a copy of the **current** CR/12 (less than 2 months old) for other companies which are shareholder of the Applicant until all shares are attributed to individuals.

4.1.2. a copy of Business Name/ Registration Certificate , or

4.1.3. a copy of Certificate of Incorporation etc.

4.1.4. if the company is listed in a stock exchange in Kenya, copy of Certificate from Capital Markets Authority (CMA).

4.1.5. For any foreign company which is a shareholder of the Applicant attach copies **certified by a Notary Public** of:

4.1.5.1. Certificate of Incorporation of the foreign company/ies and

4.1.5.2. Share Certificate of the foreign company/ies providing details as in 4.1.1.2 above

4.1.5. For MVNO service applicant, submit a letter from proposed HMNO indicating availability of spare capacity and willingness by the HMNO to host the proposed MVNO services

4.1.6 **Certificate Practice Statement and Certification Policy in case on E-CSP applicant**

4.1.7. Copies of Kenyan National Identity Cards (ID) or Kenyan/Foreign passports for all Directors and Shareholders of the Applicant:

4.1.7.1. Both sides of the ID should be copied onto the same side of an A4 size paper, and

4.1.7.2. Passport copies should include pages showing the nationality, date of issue and expiry, name and photograph of holder. Please note that all foreign passport copies should be notarized.

4.2. Compliance with Kenya Revenue Authority rules:

4.2.2. Copy of Valid Tax Compliance Certificate.

4.3. A business plan in line with the guideline at Annex 2 below.

4.4. A copy of one of the documents listed below:

APPLYING ENTITY	REQUISITE CONSTITUTING DOCUMENT
1. Cooperative Society	Cooperative Society's By-Laws, Minutes of Last AGM, and Membership Agreement Terms & Conditions; or
2. Partnership	Partnership Deed for business names or
3. Society	Constitution of the Society and Minutes of its last AGM etc.

5. THAT I swear that the documents listed in 4 above are authentic copies of the original documents issued by the relevant authorities to the applicant.

6. THAT this Affidavit is sworn in support of _____
(Applicant's name) application for _____ license.

7. THAT what is deponed to herein above is true and within my own knowledge.

SWORN at _____(location))	
)	
by the said (Name of applicant))	
)	
_____)	_____
)	(Deponent)
This _____ day of _____ in the year _____)	
)	
BEFORE ME)	
)	
<u>COMMISSIONER FOR OATHS</u>)	
Drawn by:		
_____ (law firm)		
_____ (physical address)		
P. O. Box _____		
_____ (town)		
_____ (postal code)		