



**CORPORATE GOVERNANCE GUIDELINES  
FOR  
THE WATER SERVICES SECTOR 2018**

**WATER SERVICES REGULATORY BOARD**

**ANNEX 2 – NATIONAL CORPORATE GOVERNANCE STANDARDS FIT AND PROPER TEST FORM**

**To Be Filled By Applicants to the Board Of Directors for a water service provider**

NOTE: Read the declaration on Section 6 below before completing this form. In case the space provided is inadequate, use additional paper.

**1. WATER SERVICE PROVIDER**

a) Name.....

b) Certificate No.....Date of Registration.....

**2. PERSONAL INFORMATION**

a) Surname.....Other Names.....

b) Previous Names (if any) by which you have been known:

.....

c) Year and Place of birth: .....

d) Personal Identification Number.....

e) ID. Card/Passport number and date of issue.....

f) Postal Address: .....

g) Previous Postal Addresses (if any).....

h) Physical Address.....

i) Educational Qualification and year obtained.....

.....

j) Professional Qualifications and years obtained.....

.....

.....

k) Name(s) of your bankers during the last 5 years.....

.....

.....

**3. EMPLOYMENT/ BUSINESS RECORD**

Name of Employer /Business	Address	Period	Position Held	Dates -From	Dates -To	Reasons for Leaving

**4. DESCRIPTION OF YOUR PAST AND CURRENT ACTIVITIES**

**4.1 SHAREHOLDING (DIRECTLY OWNED OR THROUGH NOMINEES)**

1

Name of Institution	Date of Incorporation	Amount of Shareholding	% of	Past Shareholding		Remarks
				A	B	

A: Refers to date of closure or surrender of shares

B: Refers to reasons for closure or surrender

#### 4.2 DIRECTORSHIP Name of Institution

Name of Institution	Date of Incorporation	Amount of Executive or Non Executive	Position held in case of executive	Past Directorships		Remarks
				C	D	

C: Refers to date of retirement

D: Refers to reasons for retirement or resignation

#### 4.3 PROFESSIONAL BODIES

Name of Body	Membership No	Position	Past Memberships		Remarks
			E	F	

E: Refers to date of retirement

F: Refers to reasons for retirement or resignation

#### 4.4 SOCIAL CLUBS

Club name	Membership No	Position held	Past Memberships		Remarks
			G	H	

G: Refers to date of retirement

H: Refers to reasons for retirement or resignation

#### 4.5 BORROWINGS

Name of Borrower	Lending Institution	Type of Facility	Date of Offer	Security offered	Value of Security	Remarks

\* Borrower to indicate individual/personal as well as the private Company shareholdings in excess of 5%.

5. QUESTIONNAIRE

5.1 Have you or has any entity with which you are associated as director, shareholder or manager, ever been investigated by the EACC or the DCIO? ..... If so, give particulars

.....  
 .....  
 .....  
 .....

Was the investigation completed? ..... If so, give particulars on the outcomes

.....  
 .....  
 .....

5.2 Have you at any time been convicted of any criminal offence in any jurisdiction?

..... If so, give particulars of the court in which you were convicted, the offence, the penalty imposed and the date of conviction.....

.....  
 .....

5.3 Have you, or any entity with which you have been involved, been censured, disciplined, warned as to future conduct, or publicly criticized by any regulatory authority or any professional body in any country? ..... If so, give particulars

.....  
 .....  
 .....

5.4 Have you, or has any entity with which you are involved, or have been associated as a director, shareholder or manager, been the subject of an investigation, in any country, by a government department or agency, professional association or other regulatory body?..... If so, give particulars .....

.....  
 .....

5.5 Have you ever been dismissed from any employment, or been subject to disciplinary proceedings by your employer or barred from entry of any profession or occupation?

..... If so give particulars  
 .....

.....  
5.6 Have you failed to satisfy any debt adjudged due and payable by you on an order of court, or have you made any compromise arrangement with your creditors within the last 10 years? ..... If so, give particulars  
.....  
.....

..  
5.7 Have you ever been declared bankrupt by a court or has a bankruptcy petition ever been served on you? .....If so, give particulars.  
.....  
.....  
.....

.  
5.8 Have you ever been held liable by a court, for any fraud or other misconduct? .....If so, give particulars.....  
.....  
.....  
.....

.....  
5.9 Has any entity with which you were associated as a director, shareholder or manager in any country made any compromise or arrangement with its creditors, been wound up or otherwise ceased business either while you were associated with it or within one year after you ceased to be associated with it? ..... If so, give particulars  
.....  
.....  
.....

5.10 Are you presently, or do you, other than in a professional capacity, expect to be engaged in any litigation in any country? ..... If so, give particulars.....  
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.....  
.....

...  
5.11 Indicate the names, addresses, telephone numbers and positions of three individuals of good standing who would be able to provide a reference on your personal and professional integrity. The referees must not be related to you, and should have known you for at least five years. i).  
..... ii).  
..... iii).  
.....

5.12 Is there any additional information which you consider relevant for the consideration of your suitability or otherwise for the position(s) held/to be held? ..... if so give particulars.....  
.....  
.....

NOTE: The information given in response to this questionnaire shall be kept confidential by the WASREB except in cases provided for by law. The omission of material facts may represent the provision of misleading information.

6. DECLARATION I am aware that it is an offence to knowingly or recklessly provide any information, which is false or misleading in connection with an application for to serve in water service provider in Kenya. I am also aware that omitting material information intentionally or un-intentionally shall be construed to be an offence and may lead to rejection of my application and legal action being taken against the offender. I certify that the information given above is complete and accurate to the best of my knowledge, and that there are no other facts relevant to this application of which WASREB should be aware. I undertake to inform the WASREB of any changes material to the applications which may arise while the application is under consideration. Further, I confirm that I have agreed to fulfil the responsibilities related to this position.

Name: ..... Signed:  
Dated at .....this..... Day of .....20.....

WITNESSED BEFORE ME: SIGNED..... (Witness)  
COMMISSIONER FOR OATHS/ MAGISTRATE

Name.....  
Signature..... Address  
.....  
.....  
.....

NOTES FOR COMPLETION OF APPLICATION FORMS GENERAL These completion instructions are issued to give further guidance on completion of certain items in the application forms for a licence to provide water services. These include.

- (i). Fit and Proper Test This should be completed by all persons proposed as directors and senior management. In the case of senior management, the following officers: managing director, his deputy if any or the equivalent by whatever title they are called by the water service provider and the officers in charge of finance and audit functions or any other officer as may be determined by the WASREB.
- (ii). Educational qualification - State only qualifications attained at college level or highest educational qualification.
- (iii). The rest of the items are considered self explanatory and should be completed as fully as possible.
- (iv) Copy of the form must be submitted to WASREB.