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LAWS OF KENYA

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**THE MOVABLE PROPERTY SECURITY RIGHTS (GENERAL) REGULATIONS**

NO. 86 OF 2017

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Kenya

Movable Property Security Rights Act

## The Movable Property Security Rights (General) Regulations Legal Notice 86 of 2017

Legislation as at 31 December 2022

By [Kenya Law](#) and [Laws.Africa](#). Share widely and freely.

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The Movable Property Security Rights (General) Regulations (Legal Notice 86 of 2017)

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# MOVABLE PROPERTY SECURITY RIGHTS ACT

## THE MOVABLE PROPERTY SECURITY RIGHTS (GENERAL) REGULATIONS LEGAL NOTICE 86 OF 2017

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[Amended by [Movable Property Security Rights \(General\) \(Amendment\) Regulations, 2019 \(Legal Notice 121 of 2019\)](#) on 2 August 2019]

[Revised by [24th Annual Supplement \(Legal Notice 221 of 2023\)](#) on 31 December 2022]

### 1. Citation

These Regulations may be cited as the Movable Security Rights (General) Regulations.

### 2. Interpretation

In these Regulations unless the context otherwise requires—

“Act” means the Movable Property Security Rights Act (Cap. 499A);

“address” includes a physical address and electronic address;

“confirmation of registration” means a copy of the information contained in the registered notice issued upon registration of that notice;

“designated field” means a space on notice or search request for entering the specified type of information;

“grantor” has the meaning assigned to it under section 2 of the Act;

“Registrar” means the person appointed under section 19 of the Act to supervise and administer the operations of the Registry;

“Registry” means the Registry established under section 19 of the Act; and

“user account” means an online account created by a user to allow access or submission of information in the Registry.

[[LN 121/2019](#), r. 2.]

### 3. Registry

(1) The Registry shall be electronic.

(2) The submission of a notice and a search request to the Registrar shall be by electronic means.

### 4. Access to Registry

A person may access the Registry if that person has—

(a) established a user account; and

(b) entered the required information in the designated fields.

## 5. Submission of a notice

- (1) A registrant may submit a notice to the Registrar, if that registrant has complied with regulation 4.
- (2) The Registrar shall register a notice to a registrant who complies with these Regulations.

[L.N. 121/2019, r. 3.]

## 6. Request for search

- (1) A person who intends to conduct a search of the registry records shall submit a search request to the Registrar in Form 1 set out in the First Schedule and pay the prescribed fees.
- (2) The Registrar shall issue to the person conducting the search a search certificate in Form 2 set out in the First Schedule.

[L.N. 121/2019, r. 4.]

## 7. Notices that don't require authorization of grantor

- (1) The registration of a notice with respect to a right of a non consensual creditor in accordance with section 46 of the Act shall not require the authorization of the grantor.
- (2) The registration of an amendment notice to add the transferee as the new grantor in accordance with section 37 of the Act shall not require the authorization of the transferee.

## 8. Information required in an initial notice

- (1) A registrant who wishes to register an initial notice shall submit the initial notice in Form 3 set out in the First Schedule.
- (2) The initial notice under subregulation (1) shall contain the following information in the designated field—
  - (a) the identifier and address of the grantor in accordance with regulation 9(1) to (6);
  - (b) the name of the grantor in accordance with regulation 9(7) and (8);
  - (c) the identifier of the secured creditor or its representative in accordance with regulation 10;
  - (d) a description of the collateral in accordance with regulation 11;
  - (e) an indication if the registration relates to a right of a non-consensual creditor;
  - (f) an indication that the registration relates to a prior security right in accordance with section 89 of the Act, which shall be available until the expiration of the period set out in section 91(2)(b) of the Act;
  - (g) the period of effectiveness of the registration not exceeding ten years;
  - (h) a statement of the maximum amount secured by the security rights; and
  - (i) any other information required by the Registrar for statistical purpose.
- (3) The Registrar shall, immediately after registration of an initial notice, issue to the registrant a confirmation of registration of an initial notice in Form 4 set out in the First Schedule.
- (4) A confirmation of registration of an initial notice under subregulation (3) shall include, the date and time when the registration became effective and the registration number of the initial notice.

[L.N. 121/2019, r. 5.]

## 9. Grantor identifier and name

- (1) Where the grantor is a natural person who is a citizen of Kenya, the identifier of the grantor is their identity card number.
- (2) Where the grantor is a natural person who is not a citizen of Kenya, the identifier of the grantor is the person's valid passport number.
- (3) Where the grantor is incorporated in Kenya, the grantor identifier is the registration number in the certificate of incorporation.
- (4) Where the grantor is an unincorporated organization in Kenya, the grantor identifier is the registration number issued to the grantor by the relevant authority and if the organization is not registered, the identity card number of the Kenyan principal officer of the organization.
- (5) Where the grantor is a foreign unincorporated organization, the grantor identifier is the registration number issued to the grantor by the relevant authority in Kenya that authorized the foreign unincorporated organization to conduct its activities.
- (6) Where the grantor is a foreign incorporated organization—
  - (a) the grantor identifier is the registration number in the certificate of compliance issued to the grantor by the relevant authority in Kenya that authorized the foreign unincorporated organization to conduct its activities; or
  - (b) the grantor identifier is the registration number issued to the grantor by the relevant authority in the jurisdiction of incorporation, where the grantor has not been issued with a certificate of compliance in Kenya.
- (7) Where the grantor is a natural person who is a citizen of Kenya, the grantor's name is the name that appears in their identity card.
- (7A) Where the grantor is a natural person who is not a citizen of Kenya, the grantor's name is the name that appears in grantor's valid passport.
- (8) Where the grantor is not a natural person, the grantor name is the name as it appears in the relevant official document that indicates the grantor's identifier determined under subregulations (3), (4), (5) and (6).

[L.N. 121/2019, r. 6.]

## 10. Secured creditor

- (1) Where the secured creditor or their representative is a natural person who is a citizen of Kenya, their identifier is their identity card number.
- (1A) Where the secured creditor or their representative is a natural person who is not a citizen of Kenya, the identifier is their valid passport number.
- (2) Where the secured creditor or their representative is not a natural person, their identifier is—
  - (a) if incorporated in Kenya, the registration number in the certificate of incorporation;
  - (b) if it is an unincorporated organization in Kenya, the registration number issued to the creditor by the relevant authority and if the organization is not registered, the identity card number of the Kenyan principal officer of the organization;
  - (c) if it is a foreign unincorporated organization, the registration number issued to the creditor by the relevant authority in Kenya that authorized the foreign unincorporated organization to conduct its activities; and

- (d) if it is a foreign incorporate organization, the registration number—
  - (i) is number in the certificate of compliance issued to the grantor by the relevant authority in Kenya that authorized the foreign unincorporated organization to conduct its activities; or
  - (ii) issued by the relevant authority in the jurisdiction of incorporation, where the secured creditor has not been issued with a certificate of compliance in Kenya.
- (3) Where the secured creditor or their representative is a natural person who is a citizen of Kenya, the creditor's name is the name that appears in their identity card or valid passport, if the natural person is not a citizen of Kenya.
- (4) Where the secured creditor or their representative is not a natural person, the creditor name is the name as it appears in the relevant official document that indicates the grantor's identifier determined under subregulation (2).

[L.N. 121/2019, r. 7.]

### **11. Description of collateral in a notice**

- (1) The description of collateral specified in a notice shall be in accordance with section 8 of the Act.
- (2) An item used as collateral that has a serial number shall be described by the serial number, the make, and the name of manufacturer.
- (3) *Deleted by L.N. 121/2019, r. 8*

[L.N. 121/2019, r. 8.]

### **12. Information required in an amendment notice**

- (1) A registrant who wishes to amend an initial notice shall submit an amendment notice Form 5 set out in the First Schedule.
- (2) The amendment notice submitted under subregulation (1) shall contain the following information in the designated field—
  - (a) the registration number;
  - (b) the information to be added or changed; and
  - (c) the reasons for amendment.
- (3) An amendment notice may relate to one or more items of information contained in a registered initial notice.
- (4) The Registrar shall, immediately after registration of an amendment notice, issue to the registrant a confirmation of registration of an amendment notice in Form 6 set out in the First Schedule.
- (5) A confirmation of registration of an amendment notice under subregulations (4) shall include, the date and time when the registration became effective and the registration number of the amendment notice.

[L.N. 121/2019, r. 9.]

### **13. Procedure for the compulsory amendment and cancellation**

- (1) The grantor may, in accordance with section 33(5) of the Act, request the Registrar to register an amendment or cancellation notice in Form 7 set out in the First Schedule.
- (2) The request under subregulation (1) shall contain sufficient evidence to enable the Registrar to determine whether the grantor is entitled to the amendment or cancellation.

- (3) If the Registrar determines that the grantor has grounds to request an amendment or cancellation, the Registrar shall issue a notification to a secured creditor of grantor's request for amendment or cancellation in Form 8 set out in the First Schedule.
- (4) The notification issued under subregulation (3) shall require the secured creditor to respond to the request within fourteen days or receipt of the notification.
- (5) If the secured creditor does not respond in accordance with subregulation (4), the request shall be granted.
- (6) If the secured creditor disputes the grounds for granting the request, the Registrar shall refuse to grant the request.

[L.N. 121/2019, r. 10.]

#### **14. Information required in a cancellation notice**

- (1) A registrant who wishes to cancel an initial notice shall submit a cancellation notice in Form 9 set out in the First Schedule.
- (2) The cancellation notice under subregulation (1) shall contain the reason for cancellation.
- (3) The Registrar shall, immediately after the registration of a cancellation notice, issue to the registrant a confirmation of registration of a cancellation notice in Form 10 set out in the First Schedule.
- (4) Confirmation of registration of a cancellation notice under subregulation (3) shall include, the date and time when the registration became effective and the registration number of the cancellation notice.

[L.N. 121/2019, r. 11.]

#### **15. Fees for the use of the Registry services**

The fees payable under these Regulations shall be as provided in the Second Schedule.

#### **16. Mode of delivery of notices**

Any notification shall be through the most recent electronic address provided in the initial notice.

[L.N. 121/2019, r. 12.]

### **FIRST SCHEDULE**

#### **FORMS**

**FORM 1**

(r. 6 (1))

#### **SEARCH REQUEST**

*Search criteria:*



Grantor's identifier

Collateral serial number

1. Grantor identifier

a. Type of Grantor

Individual

Business/Company/Limited Liability Partnership

Unincorporated body/entity

b. Identifier .....

( ID number / Passport number/Registration number )

2. Collateral serial number: .....

\_\_\_\_\_

**FORM 2**

(r. 6 (2))

**SEARCH CERTIFICATE**

1. Grantor

Name: .....

Identifier: .....

Postal address: .....

Email address: .....

Phone number: .....

2. Secured creditor

Name: .....

Identifier: .....

Postal address: .....

Email address: .....

Phone number: .....

3. Collateral

Type: .....

Serial Number (if any): .....

4. Maximum amount Secured: .....

5. Date and time of registration: .....

6. Date and time of search .....

.....

*(Registrar)*

**FORM 3**

(r. 8 (1))

**INITIAL NOTICE**

*Part A*

1. PARTICULARS OF GRANTOR

A. Type of Grantor

Individual

Company

Unincorporated body/entity

B. Details of the Grantor

Grantor 1:

Name: .....

Identifier .....

*(ID number/Passport number/Registration number):*

KRA PIN  
number: .....

Date of birth/  
registration: .....

Postal  
address: .....

Email  
address: .....

Telephone/mobile  
number: .....

Grantor 2:

Name: .....

Identifier .....

KRA PIN  
number: .....

Date of birth/  
registration: .....

Postal address: .....

Email address: .....

Telephone/mobile number: .....

Part B

2. Category of Secured Creditor or their representative

Part I: Consensual

Part II: Non-consensual

3. PARTICULARS OF A CONSENSUAL SECURED CREDITOR OR THEIR REPRESENTATIVE

A. Type of the Secured Creditor or their representative

Individual

Company

Unincorporated body/entity

B. Details of the Secured creditor

Secured Creditor/representative:

Name: .....

Identifier .....

( ID number/Passport number/Registration number):

KRA PIN number: .....

Date of birth/ registration: .....

Postal  
address: .....

Email  
address: .....

Telephone/mobile  
number: .....

Secured Creditor 2/ their representative:

Name: .....

Identifier

*(ID number/Passport number/Registration number):*

KRA PIN  
number: .....

Date of birth/  
Registration: .....

Postal  
address: .....

Email  
address: .....

Telephone/mobile  
number: .....

4. DETAILS OF THE COLLATERAL

A. Type of Collateral

Motor vehicle

Livestock

Crops

Documents of title

Intellectual property

Securities

Negotiable instruments

Bank accounts

All present and after acquired property

Future proceeds

Household items

Furniture

Stock in trade

Inventory

Consumer goods

Others

B. Description of Collateral (including serial number if any):

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

5. Period of effectiveness: ..... days/months/years)

6. Maximum amount secured: .....(currency)

7. Has grantor's authorization been obtained?

Yes

No

8. NON-CONSENSUAL CREDITOR

A. Type of Creditor

Official receiver

Landlord/Representative

Judgment Creditor<sup>1</sup>

Government Agency<sup>2</sup>

B. Type of Creditor

Individual

Company

Unincorporated body/entity

C. Details of the Creditor:

Creditor 1:

Name: .....

Identifier .....

( ID number/Passport number/Registration number):

KRA PIN  
number:.....

Date of birth/  
registration: .....

Postal  
address: .....

Email  
address: .....

Telephone/mobile  
number: .....

Creditor 2:

Name: .....

Identifier.....

( ID number/Passport number/Registration number):

KRA PIN  
number: .....

Date of birth/  
registration: .....

Postal  
address: .....

Email  
address: .....

Telephone/mobile  
number .....

9. PARTICULARS OF THE COLLATERAL

A. Type of Collateral

Motor vehicle

Livestock

Crops

Documents of title

Intellectual property

Securities

Negotiable instruments



Bank Account/money

All present and after acquired property

Future proceeds

Household items

Furniture

Stock in trade

Inventory

Consumer goods

Others

B. Description of Collateral (including serial number if any):

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

10. Date of judgment/decree/order (if any):.....(DD/MM/yyyy)

11. Type of judgment/decree/order (if any): .....

12. Amount specified in judgment/decree/order: ..... (currency)

Part C

13. Whether the registration relates to a prior security right .....

14. If other,  
specify .....

\_\_\_\_\_

**FORM 4**

(r. 6 (1))

**NOTICE TO REGISTRANT OF THE INITIAL NOTICE**

*Part A*

1. Registration number of initial notice .....

2. PARTICULARS OF GRANTOR

1. Grantor identifier

A. Type of Grantor

Individual

Company

Unincorporated body/entity

B. Details of the Grantor

Grantor 1:

Name: .....

Identifier .....

KRA PIN number: .....

Date of birth/ registration: .....

Postal address: .....

Email  
address: .....

Telephone/mobile  
number .....

Grantor 2:

Name: .....

Identifier .....

( ID number/Passport number/Registration number):

KRA PIN  
number: .....

Date of birth/  
registration: .....

Postal  
address: .....

Email  
address: .....

Telephone/mobile  
number .....

*Part B*

3. Category of Secured Creditor or their representative

Part I: Consensual

Part II: Non-consensual

4. PARTICULARS OF A CONSENSUAL SECURED CREDITOR OR THEIR REPRESENTATIVE

A. Type of the Secured Creditor

Individual

Company

Unincorporated body/entity

B. Details of the Secured creditor or their representative

Secured Creditor or their representative:

Name: .....

Identifier .....

( ID number/Passport number/Registration number):

KRA PIN  
number: .....

Date of birth/  
registration: .....

Postal  
address: .....

Email  
address: .....

Telephone/mobile  
number .....

4. DETAILS OF THE COLLATERAL

A. Type of Collateral

Motor vehicle

Livestock

Crops

Documents of title

Intellectual property

Securities

Negotiable instruments

Bank accounts

All present and after acquired property

Future proceeds

Household items

Furniture

Stock in trade

Inventory

Consumer goods

Others

B. Description of Collateral (including serial number if any):

.....

.....

.....

5. Period of effectiveness: .....(days/months/  
years)

6. Maximum amount secured: .....  
(currency)

7. Has grantor's authorization been obtained?

Yes

No

8. NON-CONSENSUAL CREDITOR

A. Type of Creditor

Official receiver

Landlord/Representative

Judgment creditor 3

Government agency

Other (specify)

B. Type of Creditor

Individual

Company

Unincorporated body/entity

C. Details of the Creditor:

Creditor 1:

Name: .....

Identifier .....

*(ID number/Passport number/Registration number):*

KRA PIN  
number: .....

Date of birth/  
registration: .....

Postal  
address: .....

Email  
address: .....

Telephone/mobile number .....

Creditor 2:

Name: .....

Identifier .....

*(ID number/Passport number/Registration number):*

KRA PIN number: .....

Date of birth/ registration: .....

Postal address: .....

Email address: .....

Telephone/mobile number .....

9. PARTICULARS OF THE COLLATERAL

A. Type of Collateral

Motor vehicle

Crops

Documents of title

Intellectual property

Securities

Negotiable instruments

Financial lease

Bank accounts

All present and after acquired property

Future proceeds

Household items

Furniture

Stock in trade

Inventory

Consumer goods

Others

B. Description of Collateral (including serial number if any):

.....  
.....

10. Date of judgment/decreed/order (if any): .....(DD/MM/YYYY)

11. Type of judgment/decreed/order (if any):

12. Amount specified in judgment/decreed/order: ..... (currency)

*Part C*

15. Whether the registration relates to a prior security right .....

16. If other,  
specify .....

Dated this ..... day of .....20 .....

Time .....

.....



(Registrar)

**FORM 5**

(r. 12 (1))

**AMENDMENT NOTICE**

1. Registration number of the initial notice: .....

2. Reason for amendment:

Registered notice contains information that exceeds scope of the Grantor's authorization;

The security agreement has been revised to delete some collateral;

Transfer of a security right to a new secured creditor; or

Other

Particulars of the amendment .....

**FORM 6**

(r. 12(4))

**NOTICE TO REGISTRANT OF AN AMENDMENT NOTICE**

1. Registration number of the amendment notice: .....

2. Reason for amendment:

.....  
.....

3. Particulars of the amendment:

.....  
.....

Dated this ..... day  
of .....20.....

Time .....

.....

(Registrar)

\_\_\_\_\_

**FORM 7**

(r. 13 (1))

**GRANTOR'S REQUEST FOR REGISTRATION OF AMENDMENT/CANCELLATION NOTICE**

1. Registration number of the initial notice .....

2. Has request been made to the secured creditor:

Yes(attach evidence)

No

3. Reason for amendment:

Registered notice contains information that exceeds scope of the Grantor's authorization;

The security agreement has been revised to delete some collateral;

Transfer of a security right to a new secured creditor; or

Other

4. Particulars of the amendment:

**FORM 8**

(r. 13 (3))

**NOTICE TO SECURED CREDITOR OF GRANTOR'S REQUEST FOR AMENDMENT/CANCELLATION**

To:

(Insert name of the secured creditor) .....

(Insert address of secured creditor) .....

TAKE NOTICE that on the ..... day of ..... 20....., (insert name of Grant ..... requested for amendment/cancellation to the notice, registration number (insert registration number of the notice)..... and filed on the .....day of ..... 20..... pursuant to section 33 (4) of the Movable property Security Rights Act, 2017.

FURTHER within TAKE NOTICE THAT you are required to respond to the grantor,s request fourteen (14) working days of receipt of this notice.

Dated this ..... day of ..... 20.....

.....

(Registrar)

**SECURED CREDITORS RESPONSE**

Do consent to the registration of the amendment/ cancellation to the notice?

Yes

No (give reasons)

**FORM 9**

(r. 14 (1))

1. Registration number of the initial notice .....

2. Reason for cancellation:

registration of the initial notice was not authorized by the Grantor; registration of the initial notice was authorized by the Grantor but the authorization has been withdrawn and no security agreement has been concluded; or

security right has been extinguished and secured creditor has no further commitment.

\_\_\_\_\_

**FORM 10**

(r. 14(3))

**NOTICE TO REGISTRANT OF CANCELLATION NOTICE**

1. Registration number of the cancellation notice .....

2. Reason for cancellation:

registration of the initial notice was not authorized by the Grantor;

registration of the initial notice was authorized by the Grantor but the authorization has been withdrawn and no security agreement has been concluded; or

security right has been extinguished and secured creditor has no further commitment.

Dated this ..... day of .....  
20 .....

Time .....

.....

*(Registrar)*

**SECOND SCHEDULE [r. 15]**  
**FEES PAYABLE TO THE REGISTRAR**

On submission of a Search Request-KSh. 500