

OTIANG'A OWITI
AND COMPANY ADVOCATES

Proactive Legal Practice

Forward

As Founding and Managing Partner, it is my honour to share with you our philosophy, that is not only a guiding principle in our daily interactions but also one that sets the pace and tone for the years ahead.

The law has always been perceived as a tool to protect one “after the fact” and indeed it is. However, it doesn't only work retroactively.

At **Otiang`a Owiti & Company Advocates**, we believe that the time has come for a paradigm shift in the application and practice of law. The time has come;

- To give up the centuries-old reactive approach to law and to adopt a proactive approach.
- To look at law in a different way: **to look forward rather than back.**
- To focus on how the **law is used and operates in everyday life** and how it is received in the community it seeks to regulate.

Following two decades of my personal working experience across the breadth of vibrant East Africa, I have come to see that 7 out of 10 times, the lawyer is called in as a reaction to something that has gone wrong or that is just about to take a wrong turn.

Many organizations and people tend to think of working with a lawyer as something that you do when a problem comes up. However, smart business owners_ consult with a lawyer early as a means of avoiding major legal trouble down the road. That's because they **know that a proactive approach will take less stress, time and money.**

At **Otiang'a Owiti & Company Advocates**, we make it our purpose to be a firm founded on principles of problem-solving, detecting real-life causes for potential misunderstandings and failures, but most of all, a firm keen on fostering and promoting fruitful and sustainable relationships that enables the stakeholders to reach their goals, creating value for business, individuals, and society as a whole

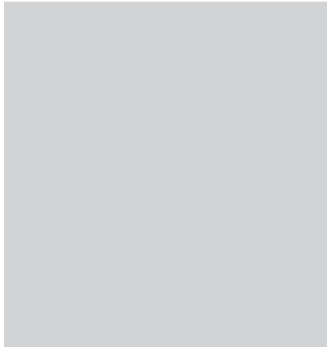
At **Otiang`a Owiti & Company Advocates**, we are a Proactive Legal Practice.

We, are here for you!



Charles Otiang`a Owiti | Managing Partner

About our Managing Partner



Charles Otiang`a Owiti has been an advocate of the High Court of Kenya since admission to the Bar in 2003.

Through a career *now spanning 20 years* in commercial and legal affairs-oriented roles within local, regional and multinational organizations across the East African Countries of Kenya, Rwanda, Burundi and Tanzania, Charles who started his legal career as a pupil attached to the National Council of Law Reporting on secondment from the office of The Attorney General of Kenya.

He later moved ahead and interned as well as the renowned firm of Rachuonyo & Rachuonyo Advocates. He has through the years enhanced his legal and project management skills as well as built strong commercial and international mind-set sharpened in some of the world's largest and challenging logistics organizations. He has further demonstrated superb capability in documenting and ensuring compliance of policies, regulations and procedures. Charles holds a Bachelor of Laws degree (LLB) from the University of Nairobi, Kenya, and a Diploma in Law from the Kenya School of Law.

He is currently undertaking a ***Masters of Tax and Customs Administration*** through Kenya School of Revenue Administration (KESRA) which is the Kenya Revenue Authority`s premier training school ***specializing in Tax and Customs Administration, Fiscal Policy and Management.***

After his admission as an advocate, he has had the privilege of working at the firms of Katwa & Company Advocates (Katwa & Kemboy Advocates).

In addition to being an Advocate of the High Court of Kenya, Charles is a member of the following organizations and institutions:

- ✦ Member of Law Society of Kenya (LSK) – Since 2003
- ✦ Associate Member of Chartered Institute of Arbitrators Member of Institute of Directors (Kenya) – 2019
- ✦ Member of International Network of Customs Universities - 2018
- ✦ Chartered Member of Chartered Institute of Logistics and Transport - 2017
- ✦ Full Member of Kenya Institute of Management – 2017
- ✦ Life Member of Kenya Red Cross Society - 2017

- ✦ Member of Association of Family Business Enterprises (Kenya) – 2016
- ✦ Member of East African Law Society – 2020

Mentorships

- ✦ Mentor at YALI Regional Leadership Centre East Africa - 2017
- ✦ Mentor at ICT Authority: Presidential Digital Talent Programme (PDTP) - 2017

Highlights of Expertise

- ✦ Transportation/Maritime/Logistics Law
- ✦ Risk Management Regulatory Compliance
- ✦ Business Advisory and Solutions
- ✦ Mergers & Acquisitions
- ✦ Leadership & Mentoring
- ✦ Benefits/Compensation
- ✦ Technical Contract Negotiations
- ✦ Corporate & Company Law
- ✦ Litigation Management
- ✦ International Arbitration & Dispute Settlement

About the firm

Otiang`a Owiti & Company Advocates (OO&Co.) is styled as a dynamic firm that offers excellent comprehensive legal services. In establishing our legal service centre, we have combined experiences and skill sets to provide excellent legal services in a one-stop legal centre that caters for a diverse range of client needs and requirements.

Our legal services in Kenya are above standard, and we focus on understanding your business, identification of risks and developing a legal approach that specifically addresses these risks. We specifically plan to provide you with value added legal services as part of our business interaction, and we will work together with you to develop our legal plan to ensure that we cover all the areas that you may feel require specific attention.

With African economies growing rapidly, Kenya has become one of the continent's most important business hubs. Otiang`a Owiti & Company Advocates is uniquely positioned to

handle legal matters in Kenya as well as those that extend cross-border. Being a firm with **multilingual expertise in English, Swahili, and French** we ensure that clients within the **East African region** do not suffer setbacks when it comes to communication and documentation processes. From contract negotiations in French speaking counties to arbitration and mediation hearings in Swahili oriented jurisdictions, we have you covered.

OO&Co. offers the services of a multi-disciplinary team with in-depth knowledge of the Kenyan market and its legal, economic, cultural, and social specificities. We advise national and international groups and companies, financial investors and institutions, sponsors, public entities, and government agencies on all the legal aspects of their projects both in Kenya and internationally.



Our legal services in Kenya are above standard, and we focus on understanding your business, identification of risks and developing a legal approach that specifically addresses these risks.

Areas of practice

We provide specialist legal services in Kenya and regionally in various industry sectors and diverse branches of law or what is commonly known as “Practice Areas”. Through our strong ties with regional and international law firms, we provide clients with local knowledge and a global outlook.

Our Approach is that of Proactive Law and hence we refer to ourselves as a ***Proactive Legal Practice***.

Proactive law seeks a new approach to legal issues in businesses and societies. Instead of perceiving law as a constraint that companies and people in general need to comply with, proactive law considers law as an instrument that can create success and foster sustainable relationships, which in the end carries the potential to increase value for companies, individuals, and societies in general.

Everywhere we work, we offer clients a service that uniquely blends expertise in the law, knowledge of the local market and an understanding of their businesses. Our aim is to assist them to achieve their objectives as smoothly and efficiently as possible while minimising the legal and regulatory risks.

I. Logistics, Shipping, Aviation, Transport, Admiralty & Maritime Law

At **Otiang'a Owiti & Co. Advocates**, we specialize in issues such as maritime, air and terrestrial transports of freight and people, storage and logistics services, local and international speed cargo and postal service providers, production, financing and collateralization of ships and aircrafts, licensing and certification of transportation vehicles and freight companies, freight insurance, port and customs transactions.

We offer a wide range of legal services to Logistics, **shipping, aviation, transport, and maritime industries**. Our clients include airlines, shipping and logistics companies, aircraft and ship owners, charter operators, pilots, captains and mechanics, manufacturers and

service providers, bus lines, freight brokers or freight forwarders, customs agents, ship and yacht builders, cargo companies, financing institutions and insurers.

Our services contain legal aspects of ownership, financing, and regulatory compliance of operations for fleets and registration of vessels and aircrafts, insurance, freight forwarding and services to ship and aircraft construction.

There are many terms to describe the law of ships and shipping; some of which have broad, and others quite specific, meanings. A brief guide to the correct uses and distinctions is outlined for a proper understanding for our potential clients

- a) **Admiralty** - Traditionally 'admiralty law' referred only to contractual and tortious disputes arising from the operations of ships (named after the typical work of the Admiralty Court in England). It does not cover governmental or international shipping regulations. However, the description has become more loosely used over time and today it is interchangeable with 'Maritime Law' as a term describing all law related to ships.
- b) **Carriage of Goods Law** - This specifically relates to the law of moving cargo. It is not restricted to marine cargo (unless referred to as 'Carriage of Goods by Sea Law') and will cover goods being moved **by sea, road, rail, air and multimodal** (by more than one means).
- c) **Law of the Sea** - This is an area of public international law that deals with relationships between countries, rather than private people or companies. It provides rules on sea borders, pollution, ownership of natural resources at sea etc. The United Nations Convention on the Law of the Sea (UNCLOS) provides much of the law in this area.
- d) **Marine Law** - This is perhaps the broadest of the terms and encompasses all law related to the sea or waterways. It would cover international agreements on sea borders, laws on fishing quotas and the law governing transport of goods or the operation of ships (i.e. it is a catch-all term for Law of the Sea and Maritime Law).
- e) **Maritime Law** - Describes all law related to ships and shipping; including the building, navigation, crewing, operation and other activities and incidents related to ships. Although now used interchangeably with the term 'Admiralty Law', Maritime Law is preferable as the more common term.
- f) **Shipping Law** - This is perhaps the best term to describe the law relating to ships. Shipping law covers the building and operation of ships and is split into two categories: wet and dry.
- i. **'Wet' shipping law** involves things happening on water, like ships sinking, colliding with other ships or objects and other casualties at sea.
- ii. **'Dry' shipping law** refers to things happening on paper like disputes about charter party clauses or shipbuilding contracts.
- g) **Trade Law (aka 'International Trade Law')** - This refers to the law of trade between countries and the international conventions governing that trade. It is only loosely related to ships, via international conventions like UNCITRAL (United Nations Convention for International Trade Law)
- h) **Transport Law** - This is a catch-all term for the laws covering all types of transport, including sea, road, rail, and air transport. It may proscribe something like that a certain product must be carried by sea, and not by air.

Our legal experts assist for the drafting and execution of affreightment, liner, charterer, freight, warehousing, storage, agency and similar carriage, transport, and logistics contracts.

We support our clients for resolving issues such as sea damage, demurrage, bill of lading and bank letter of credit issues, collusion, cost of attack, cost of defence, pollution damages, single and cross liabilities, sister-ship clauses, insurance excess, franchise or deductibles, ship and aircraft mortgages, liens on freight, applications of INCOTERMS (ICC).

We also offer *litigation and dispute resolution* services for enforcement of transport and maritime claims, and ship and aircraft arrests before Courts, execution offices and arbitral tribunals.

2. Tax Planning, Litigation, Advisory

We work with clients at every stage of the business cycle, giving day-to-day advice on business and legal issues, addressing specific transactions, and working on the design and implementation of client's strategies and operations. We cover a spectrum of tax laws including Income Tax Act, Value Added Tax Act, Tax Procedures Act, Tax Tribunal Act, Stamp Duty Act, the Rating Act and Valuation for Rating Act.

Our breadth of work encompasses, among others

- a) Legal representation before Kenya Revenue Authority, the Tax Appeals Tribunal and the Courts and alternative dispute resolution forums.
- b) Reviewing assessments for accuracy and

compliance with the law, drafting and reviewing grounds for objection to assessments, arguing disputed tax positions before Kenya Revenue Authority, and negotiating tax debt including penalties and interest.

- c) Reviewing pending litigation and other uncertain tax positions, commenting on adequacy of defence, probability of success and prevention of recurrence.
- d) Providing practical advice and responding to specific inquiries on a broad range of tax issues.
- e) Giving independent advice and opinions of the tax aspects of transactions under consideration.

3. International Trade, Customs Law and Compliance

Companies who depend on importing raw materials or finished goods must constantly deal with Kenyan Customs and other government agencies. It is an unavoidable part of doing business. It is important to understand the varied legal and practical issues that must be resolved to make any import operation successful.

Companies that import goods into Kenya face a continually evolving regulatory arena. Beyond simple classification, marking, and valuation issues, importers must contend with focused assessments, amendments, and changes to the East African Community Customs Management Act EACCMA 2004, expanding African Continental Free Trade Area (AfCFTA) and the ongoing modernization and digitization of entry procedures.

The Customs Law and Compliance component of our Practice advises importers on every aspect of the importation process. We represent clients before local port officials, at the Kenya Revenue Authority's Customs and Border Control offices and before the KRA Tax Appeals Tribunal (TAT).

We recognize that KRA is not the only agency regulating imports, and that proper coordination between KRA and other government agencies is critical to successful importation. Accordingly, we liaise with agencies as diverse as the Kenya Bureau of Standards (KEBS), Kenya Ports Authority (KPA), Kenya Trade Network Agency (KenTrade), Ministry of Industrialization, Trade and Enterprise Development in ensuring our clients' entries proceed smoothly.

Our Practice provides the full range of customs compliance-related services, including:

- ✧ Classification, country of origin, and valuation assessments.
- ✧ Guiding clients through focused assessments.
- ✧ Developing customs compliance programs.
- ✧ Preparing successful prior disclosures and protests.
- ✧ Advice on certification and compliance.
- ✧ Assisting with multi-agency import permits and licenses.
- ✧ Securing additional statistical tariff breakouts.
- ✧ Litigation in the Courts and Tribunals; and
- ✧ Analysing proposed transactions for compliance with the full range of Kenyan import laws.

Otiang`a Owiti & Company Advocates (OO&Co.) is continually expanding its expertise in a range of import issues, from reducing overall costs through multi-country sourcing to ensuring protection for intellectual property in the import context.

Charles Otiang`a Owiti who is a Member of the Chartered Institute of Logistics and Transport and has extensive experience within the Logistics, Shipping and Airline industries represents clients on a wide variety of customs issues under both Kenya and foreign law.

We have a Proactive Legal Practice as it is always said that prevention is better than cure.

Thus, we often practice “preventive medicine” in our proactive legal practice approach by alerting you to the requirements you as an importer must meet sensitizing you to the issues that can be

expected to arise during the course of your import program.

If we come in after an import operation is well underway or after the company finds itself facing a substantial problem, we minimize exposure by, as necessary:

- ✧ Getting the import program up to legal standards.
- ✧ Reviewing the program to ensure that no more than the minimum appropriate duties have been paid.
- ✧ Contesting penalty actions.
- ✧ Preparing for a Customs audit.
- ✧ Recovering excess duties paid.
- ✧ Minimizing the Impact of Compliance

We endeavour to settle matters with Customs as quickly as possible, provided the settlement is in the best interests of our client. If you regularly import, you can expect that issues will arise. Some can be anticipated; some will be unexpected. We handle both. We enable you to run your import program in a manner consistent with the requirements yet tailored to your needs so that compliance minimally impacts on the manner business is currently being conducted.

Where the laws of importing jurisdictions allow this, we use our customs policy know-how to devise comprehensive strategies aimed at improving customs tariff treatment of your product. With our background of experience and extensive current network we pursue a legislative tariff change or a favourable ruling by customs authorities and achieve your desired outcomes.

4. Environmental Law, Natural Resource

Otiang`a Owiti & Company Advocates (OO&Co.) have a team with broad experience with environmental laws across the East African region. ***Our specialist environmental teams comprise both lawyers as well as environmental experts*** and specialists who have garnered experience working with organizations such as *The National Environment Management Authority (NEMA)* and *The United Nations Environment Programme (UNEP)*.

We are thus equipped with a practical understanding of both the law and its application by the regulators and can handle environmental matters in all the jurisdictions in which we are located.

Our service covers legal risk mitigation and management, permitting, projects and developments, appeals against administrative decisions and judicial reviews, criminal and administrative disputes, impacts and compliance, due-diligence investigations, and compliance auditing.

Environmental and related natural resource issues are truly global in nature, transcending borders and requiring multinational responses. Environmental regimes are constantly evolving, as both developed and developing countries seek to meet the impacts of a global economy on their air, land, water and public health. Companies operating in multiple jurisdictions need the help of lawyers with broad experience across regions and continents to navigate this changing landscape.

Our breadth of work encompasses, among others:

a) Environmental Compliance Planning:

Companies face increasing regulatory and public pressure to address the environmental impact of their business operations, often in multiple jurisdictions. We deal with environmental issues, including project development, impact assessment, permitting, climate change, product life cycle

analysis, due diligence and risk management. Our team of lawyers will work with you to plan for compliance with changing regulations and standards around the world. *Otiang`a Owiti & Company Advocates (OO&Co.)* will guide you in seeking resolution of enforcement actions, defending permits, and pursuing legal remedies where necessary. Rely on our help and advice to take a proactive stance in assessing and managing liability from production to disposal, for products you manufacture, or assets you acquire or sell. When major incidents do occur, look to our lawyers for strategic management counsel and representation.

b) Dispute resolution and strategic planning:

preventing disputes from arising and achieving a resolution at the earliest stage possible are key priorities for our clients and our team. We support our clients with managing environmental and safety risks and strategic planning, whether at the board or parent company level, or targeted at specific projects, transactions, or operations.

c) Contract related disputes:

we have extensive experience litigating environmental indemnities in sales, project, and joint venture documents, most often relating to land

contamination disputes. We regularly advise on disputes relating to site remediation in the context of lease surrender and termination.

d) *Civil suits and/or claims:* we act for clients claiming loss for damage caused to their property and defending private law claims arising from negligence and nuisance. We have expertise advising the insured on behalf of the insurer on specialty environmental lines in relation to the defence of civil claims, as well as regulatory investigations and insured contracts.

e) *Administrative and judicial challenges:* we challenge decisions of governments or regulators through administrative law on behalf of our clients. Where necessary, we support our clients where such cases are referred to the Environment and Land Court or the National Environment Tribunal (NET), we negotiate settlements with governmental agencies; and we advise on engagement with stakeholders and regulators.

f) *Defence of environmental authorizations:* Once Otiang`a Owiti & Company Advocates (OO&Co.) has assisted clients in obtaining permits or other authorizations to proceed, opponents may attack those authorizations in court or elsewhere. OO & Co. lawyers are prepared to intervene or take such other actions as appropriate to defend those authorizations in administrative or judicial proceedings.

g) *Enforcement challenges and criminal litigation:* our team responds right from the initial stages of an environmental or safety incident, advising on regulatory investigations (including interviews by enforcement officers and the police) through to advocating specific enforcement options; defending companies, directors and employees at trial; and advising clients on post-incident liability management.

5. Real Estate, Conveyancing & Commercial Property Law

Acquisition of Real Estate entails decision making, with legal consequences that may impact expected return on investment. To obviate and mitigate risks that may lead to diminished return or loss in your investment, our team of experienced Real Estate team prioritise diligence in acquisition, expertise in negotiations and efficiency in closing transactions.

In real estate, we deal with all kinds of real property transactions including sale, subdivision, leases, transfers, mortgages, charges and all

aspects of property acquisition and development. We also provide advice on acquisition and sale of land, conduct due diligence, negotiate agreements on behalf of clients and draft contracts suited to client's needs.

In this regard, we have provided comprehensive legal services to companies and individuals who have bought, developed, or sold land and invested in or occupied commercial and residential property. Our Commercial Property law department also handles chattels and share

transfers and agreements.

We have over the years developed a wide network of contacts and great working relationships with land registries and relevant offices dealing with land administration and registration, and you should expect to benefit from unrivalled turnaround time on all formalities related to registration and administration of land.

Broadly stated, our services pertaining to Real Estate Investment include, but are not limited to:

- ✧ Conducting extensive due diligence
- ✧ Negotiating and structuring the terms of development, sale and/or purchase of real property
- ✧ Drafting and reviewing the relevant agreements and other pertinent documents
- ✧ Advising on tax obligations related to investment in real estate
- ✧ Undertaking registration formalities at the land registries
- ✧ Undertaking and overseeing the processes of approval of change of user, amalgamation, subdivision, and extension of lease

Our Commercial Property Practice is at the forefront of real estate acquisition, development

and finance across the length and breadth of Kenya and successfully safeguards the interests of all industry roles players, whether they be developers, landlords, lenders, property funds or tenants.

Our team comprises a dynamic group of talented real estate legal practitioners and our knowledge of the real estate industry throughout East Africa, enable us to provide hands-on legal solutions across a wide array of multi-jurisdictional transactions, ensuring seamless collaboration and solutions to even the most complex of projects.

Our imperative is to provide industry role players with practical and cost-effective counsel throughout the property 'life cycle', from structuring, acquisition, development, tenancing and financing, through to eventual disposal, drawing on the collective experience of some of East Africa's finest real estate legal practitioners.

We act for institutional investors (including pension funds, life companies and a wide variety of other institutions), for overseas investors, and for property companies in all aspects of property investment (both direct and indirect).

6. Corporate & Secretarial Services

Otiang`a Owiti & Company Advocates (OO&Co.) in partnership with associate agencies offers a comprehensive company secretarial service for local companies. Our Corporate Services Practice specialises in providing company secretarial services, governance, advisory and compliance audit services, and other specialised corporate services in Kenya.

We draw on our knowledge of the local business environment and in-depth understanding of the socio-political climate to advise clients on a wide range of matters and thus our services offered include

- a) all standard compliance requirements including convening and management of shareholders annual general meetings

- b) preparing and filing all relevant statutory returns and notifications at the Companies Registry.
- c) Tailored secretarial services such as conversions of private companies to non-private and vice versa
- d) compliance reviews to ensure that corporate records and filings are up to date.
- e) entity set-up and entity dissolution
- f) governance audits, governance advisory and training

- g) board evaluation, corporate trustee and administration and escrow agent services.

We have extensive experience in dealing with various regulatory bodies in East Africa including the Registrar of Companies, the Capital Markets Authority, the Nairobi Securities Exchange, the Central Depositories and Settlement Corporation (CDSC), the Central Banks, sector regulators, and the local tax authorities.

7. Employment & Labour Relations Law

Otiang`a Owiti & Company Advocates (OO&Co.) has a very active employment practice, regularly advising on complex employment matters, including on restructuring, transitioning of employees in the context of a mergers & acquisition transaction, labour management issues, employment related litigation, data protection and drafting employment policies and contracts.

Our team provides the strategic advice and innovative legal services necessary to help employers maintain robust labour relations and minimize litigation risk through effective workplace strategies.

We handle all Labour and employment matters with Unions and in the Industrial Courts, including the Employment and Labour Relations Court (ELRC).

We are also experienced in conducting employment arbitration and litigation with an aim of achieving good labour relations between employers and their employees, defence claims involving wage and hour, equal pay, sexual harassment, wrongful termination, unemployment compensation, disability, and discrimination.

In this area of law, we also provide the following services:

- a) Employee policies
- b) Employer best practice policies
- c) Employee manuals
- d) Employee management handbooks
- e) Employment contracts
- f) Non-compete agreements
- g) Promotion policies
- h) Employee benefits and option

Our team provides the strategic advice and innovative legal services necessary to help employers maintain robust labour relations and minimize litigation risk through effective workplace strategies.

8. Family Law & Practice, Wills, Trusts, Deeds and Private Client Matters

A. Family Law

Most family law proceedings come about as a result of the termination of a marriage or romantic relationship. Otiang`a Owiti & Company Advocates helps clients file for separation or divorce, alimony, and child custody, visitation, and support. Spouses married a short time may seek an annulment, and special rights may exist between same-sex couples. The division of property at the end of a marriage is also a common issue in family law cases.

Our firm will selectively act in varied services, including but not limited to:

- ✧ proceedings for divorce, nullity of marriages and judicial separation with emphasis on Alternative Dispute Resolution (ADR) and mediation to lessen the trauma of the fragmenting family.
- ✧ proceedings for determination of inter-spousal property rights before, on or after dissolution of marriages.
- ✧ local and international adoptions.
- ✧ custody, maintenance, care and control and access in disputes involving children.

B. Wills and Trusts

One of the most important and significant legal documents you will make in your life is a Will. Your Will determines what will happen to your assets when you die, who will inherit your assets, who will be your executors and administrators and, most importantly, will there be any tax liabilities.

It is also important that your Will is traceable since you may be the only person who knows where your Will is located. We can also assist you with safe storage of your Will and act as a point of contact when you die.

In addition to a Will, we recommend executing a Lasting Power of Attorney (LPAs). This is a legal document that enables you to appoint one or more people to make decisions on your behalf in the unfortunate event that you are incapacitated to make your own decisions. The two types of LPA are:

- a) one dealing with property and financial affairs and
- b) the other to deal with health and welfare issues.

Incorporation, formation and registration of Trusts and Charitable Trusts. Preparing Trust Deeds and Declaration of Trusts.

It is also important that your Will is traceable since you may be the only person who knows where your Will is located.

We can also assist you with safe storage of your Will and act as a point of contact when you die.

9. Serviced Industries

Banks & Financial Services

a. As Otiang`a Owiti & Company Advocates we offer various services to banks and financial institutions. We represent banks and other financial service providers and our attorneys are experienced to handle any issues in course of organization and operations of financial institutions.

Consumer Goods & Retail

b. We actively represent many clients operating in consumer goods and retail markets. Our specialized experts integrated with our other practice area experts, offer a wide range of services to this industry.

Power, Energy, Oil, Gas, Mining, and Infrastructure

c. Kenya has liberalized its energy market within the last decade. Accordingly, today we have independent regulators and licensors supervising private player entries into the energy market. We have been assisting our clients to deal with the Energy Market Regulatory Authority for licensing, land allocation, infrastructure sharing, pricing tariffs and auditing purposes.

d. Our areas of specialisation in this field cover:

- a) Project Finance
- b) Energy Company and Project M&A
- c) Tax planning in relation to energy project financing
- d) Energy Regulatory, Licensing and Permitting
- e) Energy Company Insolvency and Restructuring
- f) Energy Regulation and Litigation

Healthcare, Life Sciences & Chemicals

Healthcare, life sciences and chemicals industry are thriving in Kenya but also is heavily regulated.

Hotels & Hospitality

Kenya welcomes around 30 million international tourists every year and it is the

7th most popular tourist location in the world. Kenya offers various features including tourism for the purposes of culture, leisure, health, and business in all four seasons.

Industrials & Manufacturing

Members of our office have extensive experience to support manufacturing-based businesses. Our clients in this field contain a wide range of industry players including automotive, electronics, food and beverage, metals, chemicals, and construction.

Insurance

We offer wide range of insurance related services in Otiang`a Owiti & Company Advocates. Our clients include insurance companies, reinsurers, local and international brokers. Our members in insurance industry team advise for insurance business incorporations, licensing, and regulatory compliance. We also assist for drafting of policies, risk assessment and operational structuring of insurance companies.

Corporate Mergers and Acquisitions (M &A), Joint Ventures, Private Equity & Venture Capital

We have a strong team at Otiang`a Owiti & Company Advocates the unique needs of both the venture capital and private equity industries in Kenya. Our members are well equipped to handle inquiries of the industry from early stage venture-funded companies in relatively new sectors such as internet and gaming, to management buyouts in traditional industry businesses. With our ever increasing experience in regional, national and international corporate, M&A and securities matters, we are well positioned to provide strategic, business-oriented legal advice on complex domestic, cross-border and

multijurisdictional transactions in both emerging and developed markets.

Our firm has a broad range of experience representing various parties in capital markets transactions, including issuers, underwriters, placement agents and selling shareholders. Similarly, in the M&A space, we regularly represent buyers, sellers, financial advisers, funds and shareholders.

Our consultant lawyers are strategically positioned in leading business and financial hubs, enabling us to handle and fully coordinate transactions across key industry sectors including energy, financial institutions, infrastructure, mining and commodities, technology and innovation, transport and life sciences and healthcare.

Our areas of work include

- Asset and wealth management
- Commercial contracts Corporate governance and compliance
- Data protection, privacy and cybersecurity
- Debt and equity capital markets
- Derivatives Financial services and regulation
- Investment funds
- Mergers and acquisitions
- Outsourcing and technology
- Private equity and venture capital
- Proxy battles
- Securities regulation and enforcement
- Statutory arrangements
- Takeover bids and tender offers

ICT Law (Information, Communication, Software and Technology)

The reactive approach to today's wide range of technological risks with no history or precedent prevents the kind of innovation that can be achieved by a more proactive approach. It has been said that the law tends to be backward-looking and historical. It's based on statutes that have been enacted and case law, which has been based on decisions about facts that have already happened. And when we think about tech, it's about things that are going to happen in the future

At **Otiang`a Owiti & Company Advocates** we have extensive knowledge on laws with respect to software, computers, internet, and technology. We often advise established technology companies, entrepreneurs, and start-ups on all aspects of legislative environment for the industry in Kenya. Our teams assist for regulatory compliance and licensing, and we also provide corporate and commercial legal services including transactional support for financing and mergers and acquisitions.

Technology in our practice

We are proud to say that in our market we are one of the new firms that have been quick to embrace some of the globally renowned legal software that integrates document management, project management and of course – matter management. By regularly using these systems to make sure that we manage key client milestones easier, we continuously add value to our client transactions

Whether your need involves Trademarks and Patents;
Business formation, Mergers, Acquisitions or Contracts;
Maritime and Admiralty disputes; Domestic Tax or
Customs assessments;
delicate Employment and Labour relations or sensitive
family situations;
now is the time to *stop the reactive approach.*

Contact us.
And we will kick start the *proactive approach* that will
assist you to *adapt, evolve and flourish*
in your legal affairs

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