SACCO Briefs

SEPTEMBER 2013

THE SACCO SOCIETIES REGULATIONS 2010

FREQUENTLY ASKED QUESTIONS

A ABOUT SACCOS

Q1: What is a SACCO?

A: SACCO stands for Savings and Credit Cooperative which is a special type of co-operative offering financial services with major focus on mobilization of funds and provision of affordable credit to its members who are both the owners and users.

Q2: Why do we have SACCOs?

A: The primary purpose of the SACCO is to encourage savings among members from which the members can borrow at affordable terms decided by the members collectively or through the elected directors. Other financial services SACCOs offer include ATM, Mobile money transfer and custody of valuable documents.

The SACCO generates income by providing these services which it uses to meet the related costs. Any income that remains after these costs is paid out to members as dividends and interest based on their shares or deposits.

Q3: What is a FOSA?

A: FOSA stands for Front Office Services Activities and refers to the 'banking' like services provided by SACCOs. Through the FOSA, members of the SACCO can easily access services including cash withdrawals over the counter, ATM or mobile phone.

Q4: How does a SACCO operate?

A: SACCOs are managed by staff employed by the Board on behalf of the members and the Chief Executive Officer is responsible for the day-to-day running of the SACCO business. The Board

Some of the HIGHLIGHTED topics COVERED

1 ABOUT SACCOS

- What is a SACCO?
- Why do we have SACCOs?
- What is a FOSA?
- How do SACCOs operate?

2 ABOUT SASRA

- What is SASRA and what is its role?
- When did the new SACCO law start?
- Which SACCOs should apply for licensing
- I have a complaint about my SACCO. Can SASRA help me?
- How do I know whether my Sacco is licensed by SASRA?

reports to the members on the management of the SACCO at least once a year during the annual general meeting (AGM) or annual delegates meeting (ADM). During the AGM or ADM, the members also get a chance to assess the performance of a Sacco and make decisions concerning their SACCO.

Q5: What is a common bond?

A: The common bond is what unites all the members of a SACCO. All members share this in common. The members decide what unites them, this could be their occupation like farming, church, employment or where they live.

B ABOUT SASRA

Q6: What is SASRA and what is its role?

A: SASRA stands for the SACCO Societies Regulatory Authority. It is an organisation started by the government to ensure safety of members' deposits in SACCOs operating FOSA. SASRA licenses and supervises the SACCOs operating FOSA. Any Sacco intending to start a FOSA must be licensed by SASRA before operations.

> SASRA stands for the SACCO Societies Regulatory Authority. It is an organisation started by the government to ensure safety of members' deposits in SACCOs operating FOSA.

"SASRA was started by the government in accordance to the new SACCO law (Sacco Societies Act, 2008) to license, regulate and supervise deposit-taking (FOSA) SACCOs

Q7: Who has given SASRA authority to supervise deposit-taking (FOSA) SACCOs?

A: SASRA was started by the government in accordance to the new SACCO law (Sacco Societies Act, 2008) to license, regulate and supervise deposit-taking (FOSA) SACCOs.

Q8: When did the new SACCO law start?

A: The new SACCO law (Sacco Societies act 2008) was operationalized on 26th September 2009

Q 9: Can SASRA stop a SACCO from failing?

A: SASRA's responsibility is to try to prevent failure by ensuring SACCOs comply with standards set in the new law to ensure they remain in operation.

This is done through carrying out inspection of the SACCO both from SASRA offices and at the SACCOs to see if there are signs of possible failure.

Q 10: Which SACCOs should apply for licensing?

A: Any SACCO Societies with a FOSA or those planning to operate a FOSA have to apply for a license. A SACCO should obtain licenses for its head office and each of the branches (FOSAs).

A SACCO license is valid for one calendar year ending 31st December and is regardless of date of licensing. A licensed SACCO is required to apply for renewal of a license at least ninety (90) days before the expiry of a license which would be by end of September of each year.

Q 11: What happens if a Sacco starts operating a FOSA without a license or does not renew its license(s)?

A: If this happened SASRA would be forced to close the FOSA and charge the SACCOs officers responsible as operating a FOSA without a license is an offence.

Q 12: What happens to a Sacco that applies and does not meet licensing requirements?

A: Upon application for a license, SASRA shall advise each SACCO accordingly.

Q 13: I have a complaint about my SACCO. Can SASRA help me?

A: Yes, SASRA can assist on matters pertaining to regulatory or criminal wrong doing by the Saccos or its board of directors and staff. If your complaint pertains to a regulatory or criminal matter, you can submit your complaint with our office.

"The new Sacco law has not addressed issues to do with individual share refund issues, member and SACCO contractual agreements, any legal issue that involves an individual member and his/her SACCO or in service quality and business matters with your SACCO.

However, the new Sacco law has not addressed issues to do with individual share refund issues, member and SACCO contractual agreements, any legal issue that involves an individual member and his/her SACCO are can be guided by the Sacco by-laws.

Q14: How do I know whether my Sacco is licensed by SASRA?

A: All the licensed Saccos are gazzetted in the Kenya gazette In addition, SASRA publishes all licensed SACCO societies in the leading daily newspaper every beginning of the year. This list is also available in SASRA website, www.sasra.go.ke. Finally, licensing is such an important legal issue that the Board of your SACCO will always inform the members through the AGM or ADM.

Note These FAQs are published for discussion purposes only. The content of these FAQs is not legal advice. Users are encouraged to obtain professional advice about the application of any legislation or prudential standard to their particular circumstances. Users should exercise their own skill and care when relying on any material contained in the FAQs. SASRA disclaims any liability for any loss or damage arising out of any use or reliance on these FAQs.

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SACCO ni Shirika la Akiba na Mikopo yaani Savings and Credit Cooperative ambalo hutoa huduma za kifedha kwa wanachama waliojasili

SACCO Kwa Ufupi

MASWALI YANAYO ULIZWA KWA WINGI

A KUHUSU SACCOS

SWALI 1: SACCO ni nini?

Jawabu: Maana halisi ya SACCO ni Shirika la Akiba na Mikopo yaani Savings and Credit Cooperative ambalo hutoa huduma za kifedha kwa wanachama waliojasili. SACCO huegemea zaidi ukusanyaji wa fedha na utoaji wa mikopo nafuu kwa wanachama wake ambao ni wamiliki na watumiaji wa huduma za shirika hilo.

Swali 2: Kwa nini tuwe na SACCO?

Jawabu: Lengo kuu la kuwepo kwa SACCO ni kuwahimiza wanachama kuweka akiba ili waweze kukopa pesa kwa viwango nafuu vinavyowekwa na wanachama wenyewe ama wakurugenzi walioteuliwa. Kati ya huduma nyinginezo ambazo hutolewa na SACCO ni pamoja na mitambo ya kuweka au kutoa pesa inayojulikana kama ATM, huduma za kutuma na kupokea pesa kupitia kwa simu za mikononi na pia kuwezesha wanachama kuhifadhi nyaraka na stakabadhi muhimu.

SACCO huzalisha mapato kwa kutoa huduma hizi ambazo hatimaye hutumiwa kugharamia shughuli zake. Faida inayopatikana baada ya kulipia gharama hizo hulipwa kwa wanachama kama mgao na riba kwa akiba zao. Malipo hayo yote hutegemea idadi ya hisa mwanachama anazomiliki na kiwango cha fedha alizoweka kama akiba yake.

Swali 3: FOSA ni nini?

Jawabu: FOSA inaamaanisha Huduma za Awali kwa Wateja kwa ufupishoFront Office Services Activities na ni huduma maalum zinazokaribiana na za ‘benki’ zinazotolewa na SACCO. Kupitia kwa FOSA, wanachama wa SACCO huweza kupata huduma kwa urahisi, ikiwa ni pamoja na kutoa pesa katika kaunta, ATM ama hata katika simu za mkononi.

Baadhi ya MASWALA yalio ANGAZIWA

1 KUHUSU SACCOS

- SACCO ni nini?
- Kwa nini tuwe na SACCO?
- FOSA ni nini?
- SACCO zinaendesha vipi shughuli zake?

2 KUHUSU SASRA

- SASRA ni nini na wajibu wake ni upi?
- SASRA inatoa wapi mamlaka ya kusimamia SACCO
- Sheria mpya ya SACCO ilianzishwa lini?
- Nina malalamishi kuhusu SACCO yangu. Je, SASRA inaweza kunisaidia?
- Nitajuaje iwapo SACCO yangu ina leseni kutoka kwa SASRA?

Swali 4: SACCO zinaendesha vipi shughuli zake?

Jawabu: SACCO husimamiwa na Bodi (Kamati simamizi) iliyoteuliwa na wanachama. Bodi nayo huajiri wafanyikazi ambao jukumu lao ni kusimamia shughuli za kila siku za biashara inayoendeshwa na SACCO. Bodi huwasilisha taarifa yao ya usimamizi kwa wanachama wa SACCO, angalau mara moja kwa mwaka wakati wa Mkutano Mkuu wa Kila Mwaka (AGM) ama katika Mkutano wa Wakilishi wa Kila Mwaka (ADM). Wakati wa AGM ama ADM, wanachama hupata fursa muafaka ya kukagua na kutathmini utendakazi wa SACCO na kutoa maamuzi muhimu kuhusu tathmini hiyo.

Swali 5: Nini maana ya Muungano au dhamana kwa kawaida "common bond"?

Jawabu: Muungano ama dhamana kwa kawaida "common bond"ni hali inayowaleta pamoja au kuwaunganisha wanachama wote wa SACCO. Wanachama wote wanashirikishwa kwa hali moja. Wanachama huamua ni jambo gani litakachowaunganisha. Maamuzi hayo yanaweza kuegemea shughuli kama vile; ukulima, kanisa, ajira ama pale wanapoishi.

"SASRA inamaanisha Halmashauri ya Usimamizi wa vyama vya SACCOs (SACCO Societies Regulatory Authority). Ni Halmashauri ililoanzishwa na Serikali ili kuhakikisha kwamba uwekezaji wa wanachama unapata hifadhi salama katika SACCO zinazoendesha shughuli za FOSA.

SASRA ilianzishwa na Serikali kuambatana na sheria mpya ya SACCO (Sacco Societies Act, 2008) ili kutoa leseni na kusimamia kitengo cha SACCO zenye FOSA.

B KUHUSU SASRA

Swali 6: SASRA ni nini na wajibu wake ni upi?

Jawabu: SASRA inamaanisha Halmashauri ya Usimamizi wa vyama vya SACCOs (SACCO Societies Regulatory Authority). Ni Halmashauri ililoanzishwa na Serikali ili kuhakikisha kwamba uwekezaji wa wanachama unapata hifadhi salama katika SACCO zinazoendesha shughuli za FOSA. SASRA hutoa leseni na kusimamia SACCO zinazoendesha shughuli za FOSA. SACCO yoyote inayotarajia kuanzisha ama kufungua FOSA ni lazima ipewe leseni na SASRA kabla ya kuanzisha shughuli hizo.

Swali 7: SASRA inatoa wapi mamlaka ya kusimamia SACCO zinazotoa huduma za FOSA nchini Kenya?

Jawabu: SASRA ilianzishwa na Serikali kuambatana na sheria mpya ya SACCO (Sacco Societies Act, 2008) ili kutoa leseni na kusimamia kitengo cha SACCO zenye FOSA.

Swali 8: Sheria mpya ya SACCO ilianzishwa lini?

Jawabu: Sheria mpya ya SACCO (Sacco Societies act 2008) ilianzishwa mnamo tarehe 26, Septemba 2009.

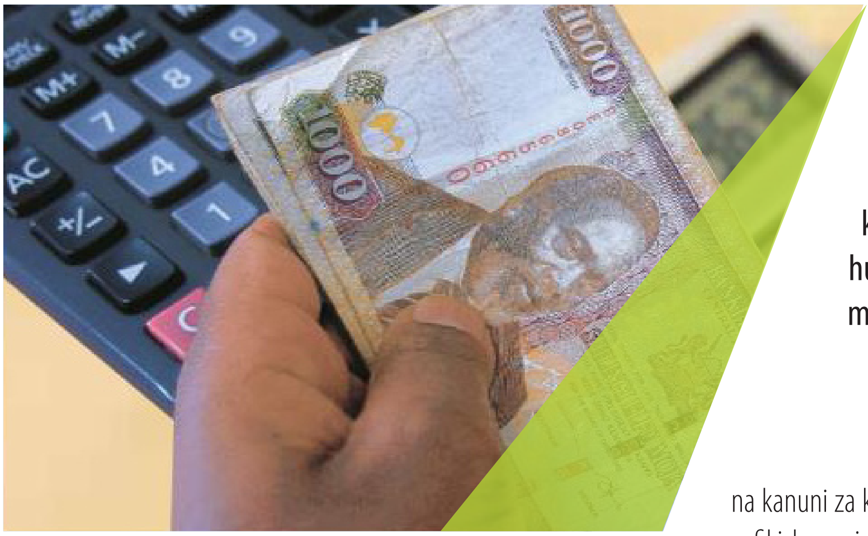
Swali 9: SASRA inaweza kuzuia SACCO kuanguka?

Jawabu: Jukumu la SASRA ni kujaribu kuzuia kuanguka kwa SACCO kwa kuhakikisha kwamba SACCO zote zinafuata sharia mpya ya SACCO. Shughuli hizi hufanywa na afisa ya SASRA kupitia kwa ukaguzi kwenye SACCO ili kuangalia iwapo kuna ishara zinazoweza kusababaisha kuanguka kwa SACCO.

Swali 10: Ni SACCO ipi inayofaa kutuma maombi ya kupewa leseni?

Jawabu: SACCO yeyote inayotoa ama inayokusudia kutoa huduma za FOSA,lazima itume barua ya maombi ya kupewa leseni. SACCO lazima ipate leseni ya kuendesha shughuli zake katika afisi zake kuu na katika afisi zake zote za nyanjani (afisi za FOSA).

Leseni ya SACCO huwa halali kwa kipindi cha mwaka mmoja unaomalizikia tarehe 31 ya Desemba ya mwaka huo bila kutegemea tarehe na mwezi iliopewa leseni hiyo. SACCO iliyo na leseni inahitajika kutuma ombi la kupata leseni mpya siku tisini (90) kabla ya kumalizika kwa muda wa kazi wa leseni iliyopo, ambayo huwa ni mwisho wa mwezi wa Septemba wa kila mwaka.



> SASRA haishughulikii maswala ya kibiashara ya kila siku ya wanachama, kama vile salio la hisa pamoja na ubora wa huduma wanazopata. Hata hivyo, baadhi ya malalamishi haya huwa yana uzito mkubwa kuhusu SACCO na hapo ndipo SASRA huweza kuyasikiliza.

Swali 11: Itafanyika nini iwapo SACCO itaanza kuendesha FOSA bila ya leseni ama haitakuwa na leseni mpya ya shughuli zake?

Jawabu: Jambo hili likitokea, SASRA italazimika kuifunga FOSA hiyo na kuwashtaki maafisa husika wa SACCO hiyo, kwani kuendesha biashara ya FOSA bila leseni ni hatia na kosa la kisheria.

Swali 12: Hutokea nini kwa SACCO ambayo hutuma maombi bila kutimiza mahitaji ya kupewa leseni?

Jawabu: Baada ya kutuma ombi la kupata leseni, SASRA huishauri vilivyo kila SACCO.

Swali 13: Nina malalamishi kuhusu SACCO yangu. Je, SASRA inaweza kunisaidia?

Jawabu: SASRA inaweza kusaidia kuhusu maswala muhimu ya SACCO yanayoambatana na usimamizi ama uhalifu kwa upande wa Bodi na wafanyakazi. Ikiwa malalamishi yako yanahusiana na kanuni za kiushirika/usimamizi ama suala la uhalifu, tafadhali yafikishe moja kwa moja katika afisi zetu za SASRA.

Hata hivyo, sheria mpya ya SACCO haishughulikii maswala ya biashara ya kila siku kwa wanachama kama vile salio la hisa na ubora wa huduma wanazopata.

Swali 14: Nitajuaje iwapo SACCO yangu ina leseni kutoka kwa SASRA?

Jawabu: SACCO zote zilizo na leseni kutoka kwa SASRA zimeorodheshwa kwenye gazeti Rasmi la Serikali ya Kenya. Zaidi ya hayo, SASRA huchapisha orodha ya SACCO zote zilizo na leseni katika magazeti makuu ya kila siku kila mwanzo wa mwaka. Orodha hii pia inapatikana kwenye Wavuti wa SASRA, www.sasra.go.ke. Hatimaye, kupata leseni ya utendakazi huwa ni hatua muhimu sana ya kisheria kwa kila SACCO yenye FOSA, kwani Bodi ya SACCO yako kwa kawaida itadumu kukuelezea wewe mwanachama kuhusu umuhimu wa leseni hiyo katika maadhimisho yote ya Mkutano Mkuu wa Kila Mwaka (AGM) ama katika Mkutano wa Wawakilishi (ADM).

Fahamu Maswali haya yanachapishwa kwa lengo la majadiliano pekee. Kwa namna yoyote ile, maelezo ya maswali haya sio ushauri wa kisheria. Watumiaji wanashauriwa na kuhimizwa kutafuta ushauri wa kitaalamu kuhusu matumizi ya sheria ama viwango vya kimsingi kulingana na matukio yenyewe. Watumiaji wanafaa kutumia maarifa na umakinifu wao kila wanapotegemea maelezo yoyote yaliyo katika Maswali haya ambayo huulizwa mara kwa mara. SASRA haitahusika kwa vyovyote iwapo patakuwa na tatizo ama uharibifu unaotokana na matumizi yoyote ama hata kutegemea kwa namna yoyote habari inayotokana na Maswali haya yanayoulizwa mara kwa mara.

Kwa Maelezo zaidi, wasiliana nasi kupitia:

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