

Alex Kanyi

Partner



Alex Kanyi is a Partner in our Tax & Exchange Control, Dispute Resolution, and Corporate & Commercial practice areas. Alex has worked in Kenya and Ireland for clients with operations in Europe, Asia and Africa. He has extensive experience in tax structuring, tax dispute resolution, international tax advisory, risk management, restructuring, legal audits, legal due diligence, company secretarial, acquisitions, corporate governance and regulatory compliance.

About Alex

Alex has worked with KPMG East Africa in various capacities and was its Regulatory Services business lead in East Africa for six years up to 2022. He has also worked in KPMG Ireland in 2019-2020 as Manager, Legal Services. In 2022, Alex joined Kieti Law LLP as a Partner.

Credentials

Education

- Masters of Laws (LL.M), International Trade and Investments Law, University of Nairobi (ongoing)
- Postgraduate Diploma in Law, Kenya School of Law
- Bachelor of Laws (LL.B) (2nd Class Honours, Upper), Moi University
- Certified Public Secretary
- Certified Public Accountant
- Certificate, Legal Audit, Kenya School of Law
- Certified Trainer, Africa Facilitators Accreditation Program, KPMG

Memberships

- Law Society of Kenya
- Institute of Certified Secretaries
- Institute of Certified Public Accountants of Kenya

Experience

Contact Alex

+254 724 498 999

alex.kanyi@cdhlegal.com

Expertise

Tax & Exchange Control

Corporate & Commercial Law

Dispute Resolution

Location

Nairobi

Language

English

Swahili

- **Australian mining company**

Successfully represented an Australian mining company at the Tax Appeals Tribunal to defend an Income Tax assessment claim of USD 9.4 million

- **VAT assessment**

Successfully represented a French based company at the Tax Appeals Tribunal and at the High Court to defend a VAT assessment of USD 2.1 million

- **Tax Appeals Tribunal**

Successfully represented a Kenyan manufacturing company at the Tax Appeals Tribunal to defend a VAT assessment of USD 2.5 million

- **VAT assessment**

Successfully represented an American multinational technology corporation to defend a VAT assessment at the Tax Appeals Tribunal.

- **Tax structuring**

Advised another Japanese company on the tax structuring of an EPC contract to build an 83 MW geothermal power plant. The project was sponsored by JICA and was commissioned in 2022.

- **Motor vehicle assembling company**

Advised a global motor vehicle assembling company based in France on optimising the tax implications on restructuring their operations in East Africa through an asset transfer deal.

- **Insurance company**

Advised a local insurance company on the tax structuring for the carve-out of their life insurance business. Specifically advised on the tax considerations in the Portfolio Transfer Agreement, Business Transfer Agreement and the Business Separation Agreement and Corporate Restructuring Agreement.

- **Regional bank in Africa**

Advised a tier one regional bank in Africa on the acquisition of a fund management and trustee firm

- **Buyer due diligence**

Conducted a buyer due diligence and advised an Australian based company on acquisition of shares in a local dating company.

- **Voluntary liquidation**

Carried out the first voluntary liquidation in Kenya under the new Insolvency Act in collaboration with the Official Receiver. The members voluntary liquidation was for a local telecommunications company.

- **Preference shares**

Assisted a US based company on creation and allotment of preference shares after converting a USD 15 million loan to equity

News

[Tax amnesty: A sham or simply misunderstood?](#)

In an effort to improve tax revenue collection, the Government of Kenya has embarked on a 'confess and your sins shall be forgiven' campaign. In 2020, the previous Government put in place the Voluntary Tax Disclosure Programme, whereas the current Government has introduced a tax amnesty programme. In this article we will take a deep dive into both modes of amnesty, provides recommendations for future amnesty programmes and make the rallying call to taxpayers to quickly take advantage of the Tax Amnesty Programme before the 30 June 2024 deadline.

[An analysis of the Affordable Housing Act, 2024: Will this act survive the legal onslaught?](#)

After what may seem like an eternal wait for the Government, the President finally put pen to paper on the Affordable Housing Bill, 2023 (Bill) to enact it into law on 19 March 2024. The Affordable Housing Act, 2024 (Act) is intended to cure the pitfalls that were raised by the High Court in the case of Okiya Omtatah Okoiti and 51 Others v The Cabinet Secretary for the National Treasury and Planning and Six Others, Constitutional Petition No. E181 of 2023.

[Tax treatment of charitable organisations in Kenya: An impending regulatory update](#)

Charitable organisations are entities that operate with an aim to alleviate poverty, relieve public distress, advance religion, advance education, or generally serve the public. They do so without a primary goal of generating profit or personal gain.

[Kenya's tax outlook for 2024](#)

Since coming into office in September 2022, the incumbent Kenyan Government has implemented policy measures aimed at steering economic recovery. As per the 2023 Budget Policy Statement and the Fourth Medium-Term Plan, it is currently targeting five key priority sectors. These sectors include agricultural transformation; the micro-, small- and medium-size enterprise economy; housing and settlement; healthcare; digital superhighway; and the creative industry. The Government is also redesigning taxation instruments to make them supportive of economic activity while boosting revenue collection. All these interventions have yielded progress, as the economy indicated an average growth rate of 5,6% in the first three quarters of 2023, up from 4,8% in 2022.

[Tax stability and predictability for economic sustainability](#)

Prior to deciding to introduce or redomicile a business in any country, an investor must always consider how favourable, stable, and predictable the country's tax system is. The primary rationale for this is the need for certainty and guarantee regarding the future sustainability of investment in the host country. This predictability ensures that the investor can plan for their business, which includes planning ahead for tax liabilities and allocating resources appropriately and efficiently. On the other hand, a tax regime that is unstable and unpredictable has the opposite effect, that is, it hinders an investor's power to consciously make investment decisions, which would ultimately be a deterrent, leading to capital flight and reduced economic activity. Foreign direct investment (FDI) is particularly sensitive to tax stability and predictability, as investors weigh the risks associated with potential changes in tax laws. Countries with consistent and transparent tax regimes are more likely to attract FDI, contributing to economic development and job creation.

Videos

[Webinar recording | The Advent of eTIMS Addressing the pain points](#)

Our CDH Kenya team held an exclusive insightful discussion on the Advent of eTIMS: Addressing the pain points.

[Benefitting from the Tax Amnesty Program: The Quick Steps](#)

The Finance Act 2023 introduced a Tax Amnesty Program which is a great opportunity for Kenyan taxpayers.

[Alex Kanyi joins Citizen TV to discuss the Fall of the Shilling](#)

A discussion revolving around the challenges posed by currency depreciation in Kenya and the factors influencing it.

[Comments on the Draft Medium-Term Revenue Strategy \(MTRS\)](#)

CDH Kenya Partner Alex Kanyi discusses the Draft Medium-Term Revenue Strategy.

[Finance Act 2023: Focus on the Housing Levy](#)

The Finance Act 2023 came into force on 1 July 2023 despite efforts to suspend its implementation.

Podcasts

[An Analysis of the Affordable Housing Bill, 2023 vis a vis the High Court's Judgment and the ruling of the Court of Appeal](#)

On 28 November 2023, The High Court of Kenya held that the housing levy as framed in Finance Act, 2023 is unconstitutional.

[Taxation of financial derivatives in Kenya](#)

On 19 January 2023, the Cabinet Secretary for the National Treasury and Economic Planning made The Income Tax (Financial Derivatives) Regulations, 2023. These Regulations are intended to provide a taxation framework for gains made from financial derivatives traded in Kenya. With the introduction of these Regulations, multiple questions have risen regarding the nature of financial derivatives that befall the taxman's scope. CDH Kenya Partners, Alex Kanyi and Martha Mbugua provide some clarity on the taxation of gains from financial derivatives in Kenya and the implications to taxpayers.

[Tax Revenue Potential](#)

Alex Kanyi, Partner in the Tax & Exchange Control Practice at CDH Kenya recently discussed the internal revenue potential of counties in Kenya.

[Renewed efforts by the taxman to collect rental income tax](#)

On 18 October 2022, the Kenya Revenue Authority (KRA) issued a notice to the public of its intent to undertake a data collection exercise on rental properties within Nairobi City County and the Nairobi Metropolis. This exercise, which entails moving from house to house to collect information from tenants on their landlords, has elicited reactions from the public. Accordingly, the taxman's move raises a lot of questions, for tenants, landlords, and the public at large. Some of the key questions that need to be addressed include: what Rental Income Tax (RIT) is, how it is paid, how KRA can enforce payment of RIT under the law, the parts of the country where KRA's data collection exercise be conducted, whether KRA has conducted similar data collection exercises before and what the key data protection issues are. Click here to listen as Alex Kanyi, Shem Otanga, and Joseph Macharia provide some clarity on the taxman's data collection exercise, its legal founding under current law, and the implications to taxpayers and KRA.

[All news by Alex Kanyi →](#)

Recognition

- **President's Award**

Gold Standard Award for Young People, President's Award

- **President's Award**

Silver Standard Award for Young People, President's Award

- **Nairobi Legal Awards**

Alex has been named as 1st runner up for Pupil Master of the Year, in the 5th Annual Nairobi Legal Awards