

2. For the purposes of this Agreement, "forfeiture or the payment of funds equivalent to a forfeiture" shall mean, for Canada, an order of forfeiture of assets related to crime or the payment of funds equivalent to a forfeiture, either of which order is made on behalf of Her Majesty the Queen in right of Canada and for Kenya, forfeiture shall mean an order under Section 178 of the Criminal Procedure Code, Chapter 75 of the law of Kenya as read with Section 389A of the same law, and in any other case, where the government of the Republic of Kenya deems assets or funds to be appropriate for sharing with Canada.
3. Amounts to be shared and the proportion of such amounts to be received by the Assisting Party shall be determined in accordance with the laws of the Assisted Party.
4. Sharing pursuant to this Agreement shall be between the Government of Canada and the Government of the Republic of Kenya. The Assisted Party shall not place any conditions in respect of the use of amounts paid nor shall it make any payments conditional on the Assisting Party sharing them with any state, government, organization or individual.
5. The Assisting Party may bring any cooperation that led, or is expected to lead, to a confiscation, forfeiture or the payment of funds equivalent to a forfeiture to the attention of the Assisted Party.
6. Shares payable pursuant to Article 1 shall be paid in the currency of the Assisted Party unless otherwise stipulated by the Assisted Party. In cases where Canada is the Assisting Party, payments shall be made to the Receiver General of Canada (Proceeds Account) and sent to the Director of the Seized Property Management Directorate. In cases where Kenya is the Assisting Party, payments shall be made as designated by the Central Authority of Kenya, who is the Attorney General or a person designated by the Attorney General.