

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 180 (National Assembly Bills No. 32)*



REPUBLIC OF KENYA

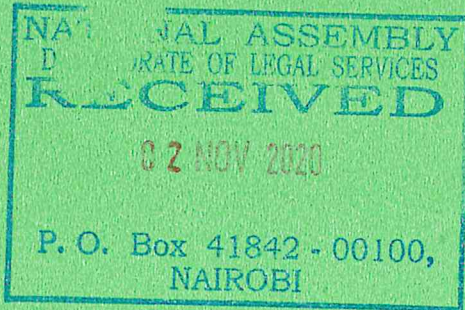
***KENYA GAZETTE SUPPLEMENT***

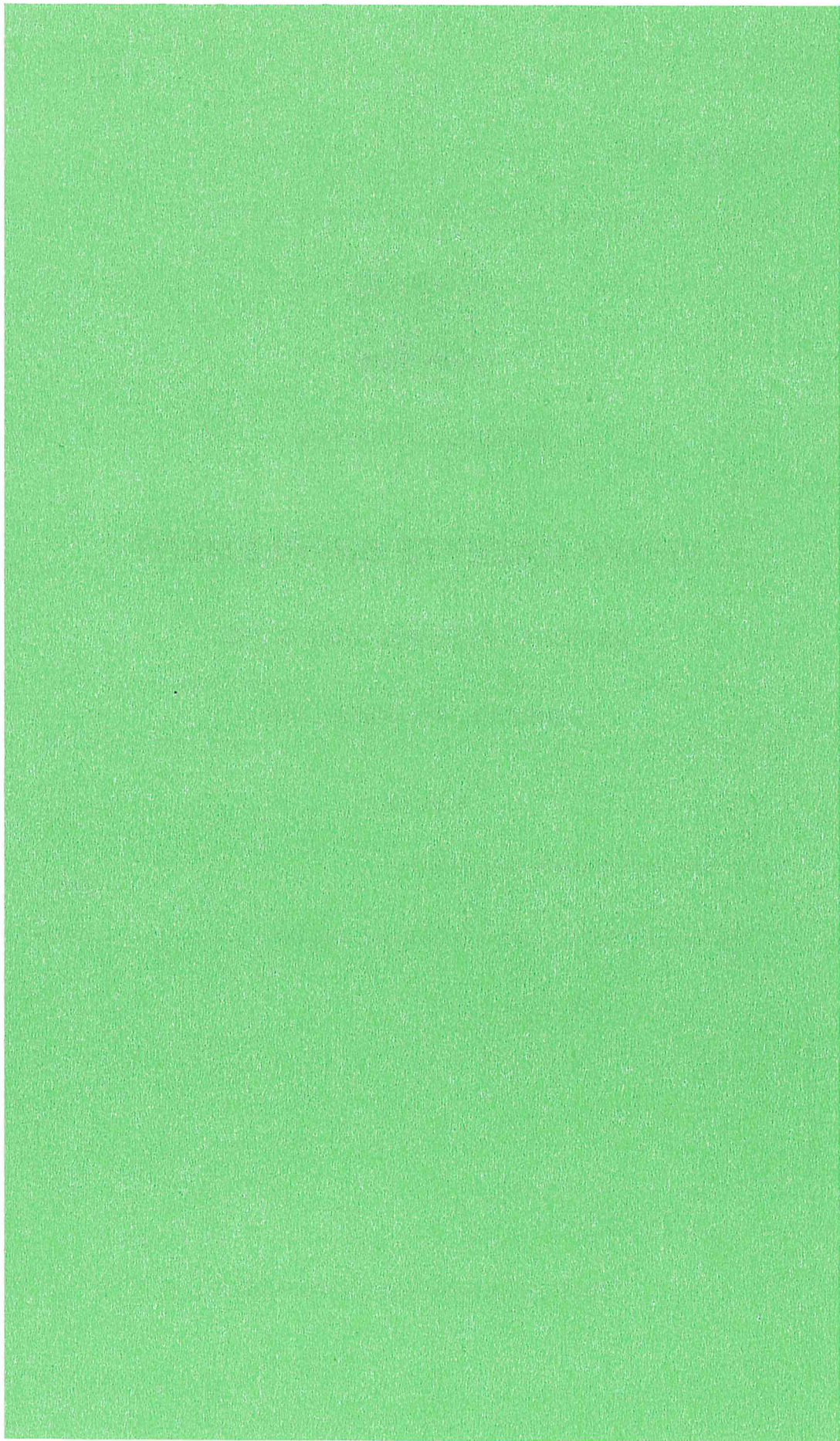
**NATIONAL ASSEMBLY BILLS, 2020**

**NAIROBI, 14th October, 2020**

CONTENT

Bill for Introduction into the National Assembly—	PAGE
The Birth and Death Registration (Amendment) Bill, 2020 .....	873





**THE BIRTHS AND DEATHS REGISTRATION  
(AMENDMENT) BILL, 2020**

**A Bill for**

**AN ACT of Parliament to amend the Births and Deaths  
Registration Act and for connected purposes**

**ENACTED** by the Parliament of Kenya, as follows—

**PART I— PRELIMINARY**

1. This Act may be cited as the Births and Deaths Registration (Amendment) Act, 2020.

Short title.

2. Section 5 of the Births and Deaths Registration Act, (in this Act referred to as “the principal Act”), is amended —

Amendment of section 5 of Cap. 149.

(a) in subsection (1) by deleting the words “Minister may” and substituting therefor the words “Cabinet Secretary shall”;

(b) in subsection (2) by—

(i) deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”; and

(ii) inserting the words “in every constituency” immediately after the word “area”.

3. Section 9 of the principal Act is amended in subsection (1) by deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”;

Amendment of section 9 of Cap. 149.

4. Section 15 of the principal Act is amended in subsection (2) by deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”.

Amendment of section 15 of Cap. 149.

5. Section 29 of the principal Act is amended in subsection (2) by deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”.

Amendment of section 29 of Cap. 149.

**MEMORANDUM OF OBJECTS AND REASONS**

The object of this Bill is to ensure that the Cabinet Secretary establishes at least one registration area in each constituency.

**Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**

The Bill neither delegates legislative powers nor does it contain provisions limiting fundamental rights and freedoms.

**Statement on whether the Bill concerns county governments**

This Bill is not a Bill concerning county governments in terms of Article 110(1) (a) of the Constitution.

**Statement on the financial implications of the Bill**

The enactment of this Bill may occasion additional expenditure of public funds to be provided for in the estimates.

Dated the 12th October, 2020.

MARTHA WANGARI,  
*Member of Parliament.*

*Section 5 of the principal Act which it is proposed to amend —*

### **5. Appointment of registration areas and registrars**

(1) The Minister may, by notice in the Gazette, appoint any area to be a registration area for the purposes of this Act.

(2) The Minister may appoint fit and proper persons to be the registrars and deputy registrars for each registration area and a fit and proper person to be the registrar of births and deaths occurring outside Kenya.

*Section 5 of the principal Act which it is proposed to amend —*

### **9. Compulsory registration of births**

(1) Deleted by Act No. 7 of 1990, Sch.

(2) The Minister may, by notice in the Gazette, declare that from a date to be named in the notice the registration of births of all persons in Kenya of any particular race, class, tribe or group, or of all or some of the inhabitants of any particular town, district or area, shall be compulsory.

*Section 15 of the principal Act which it is proposed to amend —*

### **15. Compulsory registration of deaths**

(1) Deleted by Act No. 7 of 1990, Sch.

(2) The Minister may, by notice in the Gazette, declare that from a date to be named in the notice the registration of deaths of all persons in Kenya of any particular race, class, tribe or group, or of all or some of the inhabitants of any particular district or area, shall be compulsory.

*Section 15 of the principal Act which it is proposed to amend —*

### **29. Rules**

The Minister may make rules with regard to all or any of the following matters—

- (a) the time within which births and deaths may be notified and registered;
- (b) the place in each registration area and the hours at which births and deaths may be notified and registered;
- (c) the conditions under which and the mode in which registration may be effected without personal attendance;
  - (ca) the registration of births and deaths of citizens of Kenya occurring outside Kenya;

- (d) the forms of all registers, returns and other documents required for the purposes of this Act;
- (e) the inspection of registers, returns and indexes and the provision of certified copies;
- (f) the places at which births and deaths occurring on ships within territorial waters shall be registered;
- (g) the exemption from all or any of the provisions of this Act of persons of any particular class or race within an area in which the registration of births or deaths has been declared to be compulsory;
- (h) the exemption from all or any of the provisions of this Act of any district or municipality within an area in which the registration of births and deaths has been declared to be compulsory;
- (i) any matter which is by this Act required to be prescribed;
- (j) generally, for carrying into effect the provisions of this Act