



*Approved  
SWA  
11/4/26*

REPUBLIC OF KENYA  
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026  
PUBLIC PETITIONS COMMITTEE

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REPORT ON-

CONSIDERATION OF PUBLIC PETITION NO. 14 OF 2025 BY HON. DANSON  
MWASHAKO, MP ON BEHALF OF THE LICENSED MINISTERS OF FAITH FROM  
TAITA TAVETA COUNTY REGARDING DELIVERY OF ORIGINAL MARRIAGE  
CERTIFICATES TO THE REGISTRAR OF MARRIAGES IN NAIROBI



Directorate of Audit Appropriations &  
General-Purpose Committees  
Clerk's Chambers  
Main Parliament Buildings  
NAIROBI


 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
DATE: 01 APR 2026	DAY: Wednesday
TABLED BY: Hon. Muchangi Njoroge	MARCH, 2026
CLERK-AT-TABLE: Mado Miniam	Chair, Public Petitions

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## **CHAIRPERSON'S FOREWORD**

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition No. 14 of 2025 regarding the delivery of original marriage certificates to the registrar of marriages in Nairobi. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Member for Wundanyi Constituency on behalf of the licensed Ministers of faith from Taita Taveta County.

The petitioners prayed that the National Assembly, through the Public Petitions Committee, that the policy requiring licensed ministers of faith from all counties to physically deliver original marriage certificates to the Registrar of Marriages in Nairobi be revoked and that the the licensed ministers of faith be allowed to submit original marriage certificates to the Registrar of Marriages within their respective counties, with county offices bearing the responsibility of forwarding the documents to Nairobi.

The Committee observed that, the contested Notice was a reproduction of the already codified provisions under the Marriage Act, Cap 150, namely sections 2, 50 and 53 and did not introduce new laws, guidelines, or provisions.

The Committee also noted that the office of the Attorney General had decentralised its service in 23 of the 47 counties, with plans to expand to the remaining 24 counties. In this regard there is no justification to require officiating ministers in the 23 Counties with decentralized Attorney General Offices to submit original marriage certificates to Nairobi.

Further, the notice issued by the Registrar of Marriages, does not require the Ministers of Faith to physically travel to Nairobi as indicated in the petition. Other viable options for submission include courier or postal services, or church representatives.

The Committee recommends that the Attorney General issues a notice, within ninety days of tabling of this report, to clarify that officiating ministers can submit original marriage certificates to the respective county offices. The Committee recommends that; the Attorney General fast tracks the decentralization of offices in all Counties.

The Committee also recommends that the Attorney General develop and implements a secure online platform to facilitate the electronic submission of original marriage certificates.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.

**HON. MUCHANGI KAREMBA, CBS, M.P.**  
**CHAIRPERSON, PUBLIC PETITIONS COMMITTEE**

## PART ONE

### 1. PREFACE

#### 1.1 Establishment and Mandate of the Committee

1. The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:
    - a) considering all public petitions tabled in the House;
    - b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
    - c) recommending whether the findings arising from consideration of a petition should be debated; and
    - d) advising the House and reporting on all public petitions committed to it.
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## 1.2 Committee Membership

2. The Public Petitions Committee was constituted in October 2022 and comprises the following Members:

### **Chairperson**

Hon. Muchangi Karemba, CBS, M.P.  
Runyenjes Constituency  
**United Democratic Alliance (UDA)**

### **Vice Chairperson**

Hon. Janet Jepkemboi Sitienei, M.P.  
Turbo Constituency  
**United Democratic Alliance (UDA)**

Hon. Patrick Makau King'ola, M.P.  
Mavoko Constituency

**Wiper Democratic Movement-Kenya  
(WDM-K)**

Hon. Edith Vethi Nyenze, M.P.  
Kitui West Constituency

**Wiper Democratic Movement-Kenya (WDM-  
K)**

Hon. Ntwiga Patrick Munene, M.P.  
Chuka Igambang'ombe Constituency  
**United Democratic Alliance (UDA)**

Hon. Maisori Marwa Kitayama, M.P.  
Kuria East Constituency  
**United Democratic Alliance (UDA)**

Hon. Joshua Chepyegon Kandie, M.P.  
Baringo Central Constituency  
**United Democratic Alliance (UDA)**

Hon. Beatrice Kadeveresia Elachi, M.P.  
Dagoretti North Constituency  
**Orange Democratic Movement (ODM)**

Hon. Bernard Muriuki Nebart, M.P.  
Mbeere South Constituency  
**Independent**

Hon. Biego Paul Kibichy, M.P.  
Chesumei  
**United Democratic Alliance (UDA)**

Hon. Peter Irungu Kihungi, M.P.  
Kangema Constituency  
**Maendeleo Chap Chap Party (MCCP)**

Hon. John Bwire Okano, M.P.  
Taveta Constituency  
**Wiper Democratic Movement-Kenya (WDM-  
K)**

Hon. Peter Mbogho Shake, M.P.  
Mwatate Constituency  
**Jubilee Party (JP)**

Hon. Sloya Clement Logova, M.P.  
Sabatia Constituency  
**United Democratic Alliance (UDA)**

Hon. Suzanne Ndunge Kiamba, M.P.  
Makueni Constituency  
**Wiper Democratic Movement-Kenya  
(WDM-K)**

### 1.3 Committee Secretariat

3. The Public Petitions Committee is facilitated by the following members of the secretariat:

**Lead Clerk**

Mr. Victor Weke

**Principal Clerk Assistant II**

Ms. Miriam Modo  
**First Clerk Assistant**

Mr. Benard Toroitich  
**Third Clerk Assistant**

Ms. Kafuyai Wamae  
**Third Clerk Assistant**

Mr. Clinton Sindiga  
**Legal Counsel II**

Ms. Nancy Akinyi  
**Research Officer III**

Mr. Arkan Mumin  
**Research Officer III**

Ms. Roselyne Njuki  
**Principal Serjeant-at-Arms**

Mr. Paul Shana  
**Serjeant-at-Arms**

Mr. Pascal Valerian  
**Hansard Officer III**

Mr. Collins Mahamba  
**Audio Officer III**

Ms. Felistus Muiya  
**Public Communication Officer**

Mr. Calvin Karungo  
**Media Relations Officer III**

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## PART TWO

### 2. BACKGROUND OF THE PETITION

#### 2.1 Introduction

4. Article 119 of the Constitution of Kenya gives every person the right to petition Parliament to consider any matter within its authority, including enacting, amending, or repealing legislation.
5. Public Petition No. 14 of 2025 regarding the delivery of original marriage certificates to the Registrar of Marriages in Nairobi was presented to the House on 30th September 2025 by the Member for Wundanyi Constituency on behalf of the licensed Ministers of faith from Taita Taveta County.
6. The petitioners averred that Article 45 of the Constitution of Kenya recognises the family as the natural and fundamental unit of society, and requires the State to recognise and protect it. In giving effect to this provision, Parliament enacted the Marriage Act, 2014.
7. They stated that the Marriage Act, 2014, recognises five (5) systems of marriage, namely: civil, Christian, Hindu, customary, and Islamic marriages. Section 50 of the Act establishes the office of the Registrar of Marriages and empowers the Registrar to appoint marriage officers at national and county levels.
8. The petitioners further submitted that on 3rd September 2024, the Registrar of Marriages published a notice in the national daily newspapers directing licensed ministers of faith and gazetted marriage officers to comply with new procedures for the submission of original marriage certificates as provided under sections 53 to 57 of the Marriage Act, Cap. 150.
9. The notice, in part, required that—
  - i. All licensed ministers of faith submit to the Registrar of Marriages in Nairobi all marriage certificates already conducted and in their custody within thirty (30) days from the date of the notice;
  - ii. For marriages conducted from 1st September 2024 onwards, the marriage certificate and other relevant documentation be scanned, uploaded, and the original documents delivered physically to Nairobi within fourteen (14) days of the celebration; and
  - iii. Original marriage certificates be delivered to the Registrar of Marriages in Nairobi within fourteen (14) days of the celebration of marriage.
10. Despite the constitutional requirement under Article 10(2) of the Constitution, which lists public participation as a national value and a principle of governance binding on all State organs, State officers, and public officers when making or implementing policy, the licensed ministers of faith were never consulted on the new policy directive.
11. The implementation of this policy has placed an unnecessary administrative and financial burden on licensed ministers of faith, who are now compelled to travel to Nairobi to submit original marriage certificates, thereby making the officiation of marriages in religious settings unnecessarily costly and cumbersome.
12. Requiring the physical delivery of original marriage certificates from all counties to Nairobi undermines the constitutional principle of devolution and decentralisation of services, and may deter prospective couples from exercising their civic right to marry.
13. Further, the policy shift has led to congestion at the Registrar of Marriages' Nairobi office, creating opportunities for unethical practices, including attempted bribery by individuals seeking to expedite service.

14. Attempts by licensed ministers of faith to engage the relevant authorities for a review or reversal of this policy have not yielded any positive outcome to date.
15. The issues raised in this Petition are not pending before any court of law, constitutional body, or other legal institution.

## **2.2 Prayers**

16. Petitioners pray that the National Assembly through the Public Petitions Committee;
    - i) Recommends that the policy requiring licensed ministers of faith from all counties to physically deliver original marriage certificates to the Registrar of Marriages in Nairobi be revoked;
    - ii) Recommends that the licensed ministers of faith be allowed to submit original marriage certificates to the Registrar of Marriages within their respective counties, with county offices bearing the responsibility of forwarding the documents to Nairobi; and
    - iii) Make any other recommendations it may deem appropriate to address the plight of the Petitioners.
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## PART THREE

### 3. STAKEHOLDERS' SUBMISSIONS

#### 3.1 The Petitioner

The Member for Wundanyi Constituency, Hon Danson Mwashako, MP accompanied by representatives of the licensed Ministers of faith from Taita Taveta County, appeared before the Committee on Thursday, 20th November 2025, and submitted as follows—

17. Article 45 of the Constitution of Kenya recognises the family as the natural and fundamental unit of society, and requires the State to recognise and protect it. In giving effect to this provision, Parliament enacted the Marriage Act, 2014.
18. The Marriage Act, 2014, recognises five (5) systems of marriage, namely: civil, Christian, Hindu, customary, and Islamic marriages. Section 50 of the Act establishes the office of the Registrar of Marriages and empowers the Registrar to appoint marriage officers at national and county levels.
19. On 3rd September 2024, the Registrar of Marriages published a notice in the national daily newspapers directing licensed ministers of faith and gazetted marriage officers to comply with new procedures for the submission of marriage certificates as provided under sections 53 to 57 of the Marriage Act, Cap. 150.
20. The notice, in part, required that—
  - i. All licensed ministers of faith submit to the Registrar of Marriages in Nairobi all marriage certificates already conducted and in their custody within thirty (30) days from the date of the notice;
  - ii. For marriages conducted from 1st September 2024 onwards, the marriage certificate and other relevant documentation be scanned, uploaded, and the original documents delivered physically to Nairobi within fourteen (14) days of the celebration; and
  - iii. Original marriage certificates be delivered to the Registrar of Marriages in Nairobi within fourteen (14) days of the celebration of marriage.
21. Despite the constitutional requirement under Article 10(2) of the Constitution, which lists public participation as a national value and a principle of governance binding on all State organs, State officers, and public officers when making or implementing policy, the licensed ministers of faith were never consulted on the new policy directive.
22. The implementation of the policy has placed an unnecessary administrative and financial burden on licensed ministers of faith, who are now compelled to travel to Nairobi to submit original marriage certificates, thereby making the officiation of marriages in religious settings unnecessarily costly and cumbersome.
23. Requiring the physical delivery of original marriage certificates from all counties to Nairobi undermines the constitutional principle of devolution and decentralization of services, and may deter prospective couples from exercising their civic right to marry.
24. Further, the policy shift has led to congestion at the Registrar of Marriages' Nairobi office, creating opportunities for unethical practices, including attempted bribery by individuals seeking to expedite service.

### 3.2 Kenya Law Reform Commission

The Chief Executive Officer, Kenya Law Reform Commission vide a letter reference KLRC/8/64/VOL.V/ (55) dated 25th November 2025 submitted as follows;

25. All State organs must observe public participation, equity, non-discrimination, transparency, and accountability when making or implementing policy decisions. A directive of nationwide application affecting thousands of licensed ministers of faith and the general public falls squarely within these obligations.
26. Although marriage registration is a national government function (Fourth Schedule), Articles 6, 174 and 232 of the Constitution obligate the national government to deliver services in a decentralised, accessible, and efficient manner.
27. Requiring all officers across the country to physically deliver marriage certificates only to Sheria House contradicts these constitutional principles and creates unequal access to a national service.
28. Any administrative direction that significantly changes service delivery must comply with;
  - i. Article 10 (public participation)
  - ii. Article 47 (fair administrative action)
  - iii. The Fair Administrative Action Act.
  - iv. The Kenya Policy on Public Participation, 2023
29. The Petition demonstrates that the directive was issued without adequate notice or consultation with:
  - i. Licensed ministers of faith.
  - ii. Faith-based organizations
  - iii. County registrars
  - iv. County governments
  - v. The Public
30. The absence of consultation renders the directive procedurally unfair and constitutionally defective.
31. Section 42 of the Marriage Act requires the officiating minister to "deliver to the Registrar" the duly completed certificate after a marriage ceremony. The term "Registrar" is defined broadly and includes:
  - i. The Registrar of Marriages (national).
  - ii. Registrars designated at the county and sub-county levels under section 50(3)
32. There is nothing in the Act that requires delivery to Sheria House to be exclusive.
33. Sections 50—53 of the Act and Forms MA2 and MA3 under the Rules clearly contemplate multiple registrars across the country, not a single central office. The decentralized system ensures:
  - i. Reduced administrative burden.
  - ii. Efficiency of registration.

iii. Compliance with constitutional obligations.

34. The directive of 3rd September 2024, requiring all ministers nationwide to deliver certificates physically to Nairobi, introduces new mandatory obligations not contained in the Act or Rules.
35. Such an administrative direction cannot:
  - i. Override express statutory provisions.
  - ii. Repeal decentralised functions without amending the Rules through the Statutory Instruments Act process.
36. Therefore, the directive is ultra vires, inconsistent with the Act, and unenforceable in its current form.
37. The Kenya Policy on Public Participation sets mandatory standards for:
  - i. Advance notice.
  - ii. Stakeholder mapping
  - iii. Civic education.
  - iv. Collection and documentation of feedback.
  - v. Inclusion of affected communities.
38. A nationwide directive altering how marriage registration is undertaken is a policy decision under the Policy and must comply with these requirements. There is no evidence that these mandatory steps were followed.
39. Based on the foregoing analysis, KLRC is of the considered view that:
  - i. The Marriage Act and the Marriage (General) Rules do not require exclusive delivery of certificates to Sheria House.
  - ii. Delivery may be made to any registrar appointed under section 50.
  - iii. Centralising the submission of all certificates in Nairobi violates Articles 6, 174, and 232 on devolved and accessible service delivery.
  - iv. The directive was issued without adequate public participation and is therefore inconsistent with Articles 10 and 47 and the Kenya Policy on Public Participation.
  - v. The directive is ultra vires, introduces requirements not found in the Marriage Act or Rules, and should be withdrawn or revised.
40. KLRC recommends that:
  - i. The directive be immediately reviewed and suspended pending proper consultation.
  - ii. The Office of the Attorney-General and the Registrar of Marriages re-issue a revised circular allowing: Submission to county registrars, electronic transmission of scanned certificates, coupled with a Periodic consolidated dispatch of originals to Nairobi.
  - iii. The Ministry conducts nationwide consultations with stakeholders before revising procedures.
  - iv. Parliament, through the Public Petitions Committee, directs the implementing agency to adhere to constitutional and statutory requirements for accessible and participatory service delivery.

### 3.3 Office of the Attorney General

The Registrar of Marriages, on behalf of the Attorney - General, appeared before the committee on Tuesday, 24th February 2026 and submitted as follows:

41. On 3rd September, 2024, the Office issued a notice that required all Registrars and marriage officers (Licensed Minister of Faith) to submit marriage certificates to the Registrar of Marriages, Nairobi, within 14 days. The notice resulted in the filing of the current petition

42. Section 53 of the Marriage Act, Cap 150 provides for the process of registering a Christian marriage. It states thus:

“Where a marriage is celebrated under Part III of this Act, the person officiating at the marriage shall forward a copy of the certificate of marriage to the Registrar within fourteen days of the celebration of the marriage for the registration of that marriage.

Before the Registrar registers a marriage under subsection (1), the Registrar shall confirm that the marriage complies with the provisions of this Act.

43. Based on section 53 of the Act above, the requirement to submit marriage certificates is statutory. Consequently, the contested Notice dated 3rd September, 2024 was merely a reproduction of the already codified provisions under the Marriage Act, Cap 150, namely sections 2, 50 and 53. Lifting established provisions of the Marriage Act, Cap 150, into a Notice to be published in a daily newspaper does not require public participation, as the notice does not introduce new laws, guidelines, or provisions.

44. The prayer that the notice be quashed should be reconsidered by this committee and not be granted since it may amount to amending sections 2, 50 and 53 of the Marriage Act, Cap 150. Further, any attempt to amend these provisions can only be done through review of the Marriage Act, Cap 150. The Office of the Attorney General shall, however, endeavour to support the Ministers of Faith to comply with the Act.

45. Paragraph 7 of the Petition alleges that the Notice undermined the constitutional principle of devolution and decentralization. However, this is denied as the Notice only relates to submission of marriage certificates. All other marriage services are available at the county level.

46. In practice, the Ministers of Faith may submit in person, by courier or postal service, or through their representatives, thereby saving time and cost. These proposed submission options are better than the proposal to submit via county offices. The Registrar of Marriages is yet to establish marriage offices in all sub-counties.

47. The Office of the Attorney General had assisted the public in complying with the law. Moreover, clarified that:

- i. The Notice was a reproduction of sections. 2, 50 and 53 of the Marriage Act, Cap 150 and was issued as a reminder to all the gazetted Registrars and Licensed Ministers of Faith.
- ii. It is imperative that the records be submitted to Nairobi to enable the Registrar of Marriages to register the marriages and establish a centralized marriage register.
- iii. The notice and section 53 of the Marriage Act, Cap 150, do not require the Ministers of Faith to physically travel to Nairobi. Other viable options of

- 
- submitting include the use of courier/postage services or church representatives,  
and
- iv. Prompt submission of marriage certificates to Nairobi is essential to enable the Registrar of Marriages to register marriages in time and maintain accurate, up-to-date records.

## PART FOUR

### 4. COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner, the office of the Attorney General and the Kenya Law Reform Commission, the Committee observed that—

48. The contested Notice dated 3rd September, 2024 was a reproduction of the already codified provisions under the Marriage Act, Cap 150, namely sections 2, 50 and 53. Lifting established provisions of the Marriage Act, Cap 150, into a Notice to be published in a daily newspaper does not require public participation, as the notice did not introduce new laws, guidelines, or provisions.
49. The notice issued by the Registrar of Marriages, does not require the Ministers of Faith to physically travel to Nairobi as indicated in the petition. Other viable options for submission include courier or postal services, or church representatives.
50. Although marriage registration is a national government function (Fourth Schedule), Articles 6, 174 and 232 of the Constitution obligate the national government to deliver services in a decentralised, accessible, and efficient manner.
51. Although Section 53 of the Marriage Act, Cap 150 provides that “Where a marriage is celebrated under Part III of this Act, the person officiating at the marriage shall forward a copy of the certificate of marriage to the Registrar within fourteen days of the celebration of the marriage for the registration of that marriage. Sections 50 to 53 of the Act and Forms MA2 and MA3 under the Rules clearly contemplate multiple registrars across the country, not a single central office in Nairobi.
52. Further Section 42 of the Marriage Act requires the officiating minister to "deliver to the Registrar" the duly completed certificate after a marriage ceremony. The term "Registrar" is defined broadly and includes:
  - i. The Registrar of Marriages (national).
  - ii. Registrars designated at the county and sub-county levels under section 50(3)
53. The office of the Attorney General had decentralised its service in 23 of the 47 counties, with plans to expand to the remaining 24 counties. In this regard there is no justification to require officiating ministers in the 23 Counties with decentralized Attorney General Offices to submit original marriage certificates to Nairobi.

PART FIVE

5. COMMITTEE RECOMMENDATIONS

54. Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

i. On the prayer that the Committee recommends that the policy requiring licensed ministers of faith from all counties to physically deliver original marriage certificates to the Registrar of Marriages in Nairobi be revoked, **the Committee recommends that-**

**- Within ninety (90) days upon tabling of this report, the Attorney General should issue a notice, clarifying that officiating ministers in the 23 Counties with decentralized Offices can submit original marriage certificates to the respective county offices.**

ii. On the prayer that the Committee Recommends that the licensed ministers of faith be allowed to submit original marriage certificates to the Registrar of Marriages within their respective counties, with county offices bearing the responsibility of forwarding the documents to Nairobi; the Committee recommends that:

a) **- Within six (6) months upon tabling of this report, Licensed Ministers of Faith in the 23 Counties in conjunction with the Attorney General Offices should submit Marriage certificates to the respective County Marriage Offices, which will thereafter transmit the documents to the Nairobi Office for processing.**

b) **- Within (6) months upon tabling of this report, the Attorney General should develop and implement a secure online platform or digital system in the 2026/27 financial year to facilitate upload certified copies of marriage certificates directly to the Registrar of marriages for processing.**

c) **- Within twenty-four (24) months upon tabling of this report, the Attorney General should fast track the decentralization of offices in the remaining 24 Counties.**

Signed:  Date: 01/04/2026

**HON. MUCHANGI KAREMBA, CBS, M.P.**  
**CHAIRPERSON, PUBLIC PETITIONS COMMITTEE**

## ANNEXURES

- Annex 1: The Adoption List
- Annex 2: Public Petition No. 14 of 2025 regarding delivery of original marriage certificates to the registrar of marriages in Nairobi.
- Annex 3: Minutes of proceedings
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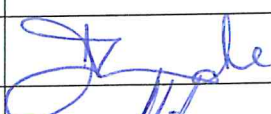

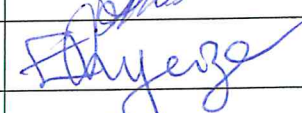

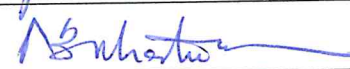
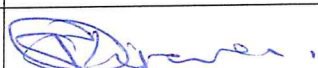
**PUBLIC PETITIONS COMMITTEE**

**ADOPTION LIST**

(i) **Consideration and adoption of the Report on Public Petition No. 17 of 2025 by Hon. Danson Mwashako, MP , regarding the delivery of original Marriage Certificates to the Registrar of Marriages**

**We, the undersigned, hereby affix our signatures to this Report to affirm our approval:**

DATE: 18/03/2026

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba, CBS, M.P.(Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P.(Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene, M.P.	
9.	Hon. Paul Biego Kibichy, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	