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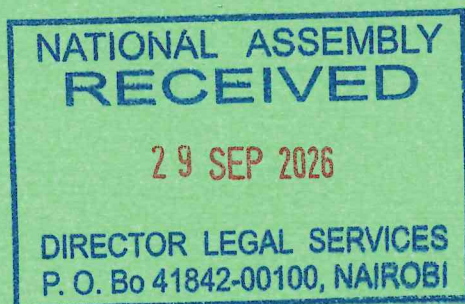
NAIROBI, 4th September, 2026

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THE NATIONAL CORONERS SERVICE BILL, 2026

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THE NATIONAL CORONERS SERVICE BILL, 2026**A Bill for**

AN ACT of Parliament to the National Coroners Service; post-mortem investigations; transfer of bodies of deceased persons into and out of Kenya; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the National Coroners Service Act, 2026. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

“Attorney-General” means the Attorney-General appointed under Article 156 of the Constitution;

“coroner” means a person appointed as a coroner under section 23;

“Coroner-General” means the person appointed as the Coroner-General under section 18;

“Council” means the National Coroners Service Council established under section 11;

“custody” means the detention of a person in any place or in transit, by the State;

“disposal” means the burial, cremation, entombment or donation of the remains of a deceased person;

“guardian” means a person who is responsible for, or entrusted with, the care, welfare or protection of an individual;

“interested person” means—

- (a) a relative of a deceased person;
- (b) a personal representative of the estate of a deceased person;
- (c) a beneficiary under a life insurance policy of a deceased person;
- (d) the insurer who issued a life insurance policy of a deceased person;

- (e) a person who may, by action or omission, have caused, or contributed, to the death of a deceased person, or whose employee or agent may have done so;
- (f) an employee of a person who may, by action or omission, have caused, or contributed, to the death of a deceased person;
- (g) an agent of a person who may, by action or omission, have caused, or contributed, to the death of a deceased person;
- (h) where death of a deceased person may have been caused by an injury sustained in the course of an employment, a representative of a trade union in which the deceased person was a member at the time of death;
- (i) where death of a deceased person may have been caused by an injury sustained in the course of an employment, the employer of the deceased person at the time of death;
- (j) a person appointed by, or a representative of, an enforcing authority;
- (k) a person appointed by a Government department or agency to inquire into the death, or assist in or provide evidence for the purposes of an investigation into the death of a deceased person;
- (l) a person appointed by the Coroner-General as a representative of Muslims;
- (m) a person appointed by the Coroner-General as a representative of an interest group;
- (n) a medical practitioner who attended to the deceased person before the time of death; or
- (o) any other person who the Service considers has sufficient interest in the determination of the identity, time, date, manner and cause of the death being investigated;

“post-mortem investigation” means the forensic medical examination of a death investigated by the Service in order to determine the identity, time, date, manner and cause of the death;

“relative” means a spouse, parent, child, brother, sister, grandparent, grandchild, nephew, niece, stepfather, stepmother, half-brother or half-sister;

“reportable death” means a death which occurs under the circumstances specified in section 30; and

“Service” means the National Coroners Service established under section 7.

3. The object of this Act shall be—

Object of the Act.

- (a) to provide for the complementary role of forensic medical science services when conducting post-mortem investigations and in the management of crime scenes.
- (b) to identify, by forensic study, possible measures to help to prevent reportable deaths from similar causes; and
- (c) to facilitate the participation of the Service at inquests on reportable deaths, including matters related to public health or safety and the administration of justice.

4. This Act shall apply to—

Scope of the Act.

- (a) the conduct of post-mortem investigations;
- (b) the disposal of the bodies of deceased persons;
- (c) the exhumation of the bodies of deceased persons;
- (d) the transfer of the bodies of deceased persons into Kenya; and
- (e) the transfer of the bodies of deceased persons out of Kenya.

5. In the exercise of the powers and performance of functions of the Service under this Act, the Coroner-General, coroners or any other person charged with the exercise of a power or performance of a function under this Act shall respect and uphold the values and principles enshrined in the Constitution.

Guiding principles of the Act.

6. (1) This Act shall not limit or otherwise affect the functions or powers of—

Application.

- (a) a police officer or any other person, investigating a death under written law; or

- (b) a police officer, in discharging the duties of a police officer, other than in respect of a post-mortem investigation under this Act.

(2) The provisions of this Act shall be subject to the Commissions of Inquiry Act.

Cap. 102.

PART II—THE NATIONAL CORONERS SERVICE

7. (1) There is established a service to be known as the National Coroners Service.

Establishment of the Service.

(2) The Service shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) acquiring, holding, charging and disposing movable and immovable property; and
- (c) doing such other acts for the proper discharge of the functions of the Service under this Act or written law, as may lawfully be done by a body corporate.

8. (1) The headquarters of the Service shall be in Nairobi City County.

Access to the Service.

(2) The Service shall ensure reasonable access to its services in all parts of Kenya.

9. (1) Subject to this Act, the Service, in the discharge of its functions and exercise of its powers, shall not be under the direction or control of any person.

Independence of the Service.

(2) A person who unlawfully influences or attempts to influence a decision of a member of the Council, the Coroner-General or a member of staff of the Service, commits an offence and is liable, on conviction to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both.

(3) A person who unlawfully interferes or attempts to interfere with the exercise of the powers of the Service or Coroner-General, or the performance of a function of the Service or Coroner-General, commits an offence and is liable, on conviction to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both.

(4) Where the offence under subsection (2) or (3) is committed by a body corporate, the body corporate shall be liable, on conviction, to a fine of two million shillings.

10. The functions of the Service shall be to—

Functions of the Service.

- (a) conduct post-mortem investigations in respect of reportable deaths;
- (b) assist the police in—
 - (i) handling investigations involving decedent bodies; and
 - (ii) scene management by providing post-mortem investigative services;
- (c) provide expert evidence in inquiries into reportable deaths conducted under sections 386, 387 and 388 of the Criminal Procedure Code;
- (d) advise the Government on public health, public safety and administration of justice in respect of matters relating to reportable deaths;
- (e) conduct studies and advice the Government on measures and policies to prevent reportable deaths; and
- (f) perform such other functions related to reportable deaths as may be necessary to achieve the objects of this Act.

Cap. 75.

11. (1) There shall be a National Coroners Service Council which shall consist of—

The Council.

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary responsible for matters relating to justice or a designated representative;
- (c) the Principal Secretary responsible for matters relating to finance or a designated representative;
- (d) the Inspector-General of the National Police Service or a designated representative;
- (e) the Director of Public Prosecutions or a designated representative;
- (f) one person nominated by the Kenya Medical Practitioners and Dentists Board and appointed by the Attorney-General;

- (g) one person nominated by the Law Society of Kenya and appointed by the Attorney-General;
- (h) one person nominated by the Kenya National Commission on Human Rights and appointed by the Attorney-General; and
- (i) the Coroner-General.

(2) A person is qualified to be appointed as the chairperson of the Council if that person—

- (a) is a Kenyan citizen;
- (b) holds a degree from a university recognized in Kenya;
- (c) has at least fifteen years of work experience in the field of law, criminology or human rights; and
- (d) meets the requirements of Chapter Six of the Constitution.

(3) A person qualifies to be appointed as a member of the Council under subsection (1)(f), (g) and (h) if that person—

- (a) holds a degree from a university recognized in Kenya;
- (b) has at least ten years of experience in the field of law, public administration, medicine, economics, finance, gender and social development, human rights or social sciences; and
- (c) meets the requirements of Chapter Six of the Constitution.

(4) A chairperson or a member of the Council appointed under subsection (1)(f), (g) and (h) shall serve for a term of three years and may be eligible for re-appointment for one final term of three years.

12.(1) The office of the chairperson or a member of the Council appointed under section 11(1)(f), (g) and (h) shall become vacant if the holder of the office—

Vacancy in the Council.

- (a) resigns from office, in the case of the chairperson, by notice in writing to the President, and in the case of the member, by notice in writing to the Attorney-General;

- (b) dies or
- (c) is removed from office on any of the grounds specified in subsection (2).

(2) The chairperson or a member of the Council appointed under section 11(1)(f), (g) and (h) may be removed from office if the chairperson or member—

- (a) has been absent from three consecutive meetings of the Council without reasonable cause;
- (b) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;
- (c) is found to have breached Chapter Six of the Constitution;
- (d) is found to have committed gross misconduct;
- (e) is adjudged bankrupt by a court of competent jurisdiction or enters into a composition scheme or arrangement with the person's creditors; or
- (f) is incapacitated from discharging duties by reason of physical or mental illness.

13. The functions of the Council shall be—

Functions of the Council.

- (a) to advise the Attorney-General on policies relating to the functions of the Service;
- (b) to advise the Service on the administration of the Service; and
- (c) to perform such other functions as may be conferred under this Act or any other written law.

14. (1) The Council shall, within three months after the end of each financial year, prepare an annual report and submit the report to the Attorney-General and the National Assembly.

Annual report by the Council.

(2) The report referred to in subsection (1) shall specify—

- (a) the activities of the Service;
- (b) the financial statements of the Service;
- (c) the measures taken and progress achieved in the realization of the objects for which the Service is established;

- (d) any recommendations made by the Council and action taken thereon;
- (e) the impact of the exercise of the functions of the Service;
- (f) any impediments faced by the Service in the performance of its functions; and
- (g) such other information as the Council considers appropriate relating to the functions of the Service.

15. The Council may establish such committees as may be necessary for the performance of its functions.

Committees of the Council.

16. The Council may delegate the performance of its functions or exercise of its power to a committee of the Council or a member of staff of the Service as the Council deems appropriate.

Delegation by the Council.

17. The affairs of the Council shall be conducted in accordance with the Schedule.

Conduct of affairs of the Council.

18. (1) The Council shall competitively recruit and appoint the Coroner-General.

Appointment of the Coroner-General.

(2) A person is qualified to be appointed as the Coroner-General if that person—

- (a) is a citizen of Kenya;
- (b) holds a Bachelor's degree in medicine and surgery from a university recognized in Kenya;
- (c) holds a Masters' degree in a field related to human pathology from a university recognised in Kenya;
- (d) has practised as a medical practitioner for at least fifteen years;
- (e) has at least five years' experience in the field of human pathology;
- (f) has at least five years' experience at management level;
- (g) has a valid practising certificate issued under the Medical Practitioners and Dentists Act; and
- (h) possesses a qualification in forensic pathology obtained pursuant to training for a period of at least six months.

Cap. 253.

(3) The Coroner-General shall hold office for a single non-renewable term of six years on such terms of service that the Council, in consultation with Salaries and Remuneration Commission, shall determine.

19. The Coroner-General shall—

Functions of the
Coroner-General.

- (a) be responsible for the day-to-day administration, control and management of the Service; and
- (b) perform such other functions as may be conferred or imposed by or under this Act or any other written law.

20. The Coroner-General shall have the power to—

Powers of the
Coroner-General.

- (a) issue disposal permits in respect of human remains where the death was investigated by the Service;
- (b) request a magistrate to hold an inquiry into a reportable death in accordance with section 387 of the Criminal Procedure Code;
- (c) designate a facility for the temporary storage of human remains on which post-mortem examination is being conducted; and
- (d) approve the transfer of the human remains into and out of Kenya.

Cap. 75.

21. (1) The Coroner-General may delegate, in writing, to any officer, member of staff or agent of the Service, the exercise of any of the powers or the performance of any of the functions or duties of the Coroner-General under this Act.

Delegation by the
Coroner-General.

(2) A delegation under subsection (1) shall not prevent the Coroner-General from exercising the power or performing the function in question.

(3) A delegation under subsection (1)—

- (a) shall be subject to any conditions as the Coroner-General may impose;
- (b) shall not divest the Coroner-General of the responsibility concerning the exercise of the power or the performance of the function delegated; and
- (c) may be withdrawn and any decision made by the person to whom the delegation is made, withdrawn or varied by the Coroner-General.

22. (1) The office of the Coroner-General shall become vacant if the holder of the office—

Vacancy in the office of the Coroner-General.

- (a) resigns from office by notice in writing to the Council;
- (b) dies; or
- (c) has been removed from office on the grounds specified in subsection (2).

(2) The Coroner-General may be removed from office if the person—

- (a) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;
- (b) is found to have breached Chapter Six of the Constitution;
- (c) is adjudged bankrupt by a court of competent jurisdiction or enters into a composition scheme or arrangement with the person's creditors; or
- (d) is incapacitated from discharging duties by reason of physical or mental illness.

(3) Where the question of the removal of the Coroner-General from office on any of the grounds under subsection (1)(b) arises, the Council shall, in writing, inform the Coroner-General of the intended removal and give the Coroner-General an opportunity to respond.

23. (1) The Council shall competitively recruit and appoint such number of coroners as may be necessary for the proper discharge of the functions of the Service on such terms as the Council may determine on the advice of the Salaries and Remuneration Commission.

Appointment of coroners and staff of the Service.

(2) The Council shall, through a competitive and transparent process, appoint such staff of the Service as may be necessary for the efficient discharge of the functions of the Service on such terms as the Council may determine on the advice of the Salaries and Remuneration Commission.

24. (1) The performance of the functions or exercise of the powers by a coroner shall be—

General responsibility of a coroner.

- (a) consistent with justice and practicable to do so;

(b) without delay; and

(c) under the directions issued by the Coroner-General.

25. There shall be a Corporation Secretary to the Council who shall be appointed by the Council through a competitive and transparent process, on such terms as the Council may, in consultation with the Salaries and Remuneration Commission, determine.

Corporation
Secretary to the
Council.

26. Where the personal interest of a member of the Council, the Coroner-General, a coroner, or a member of staff of the Service conflicts with the exercise of a power of the Service, Council or Coroner-General, or performance of a function of the Service, Council or Coroner-General, the member of the Council, Coroner-General, coroner, or member of staff of the Service shall declare the conflict of interest to the Service and refrain from exercising that power or performing that function.

Conflict of
interest.

27. (1) Anything done by a member of the Council, Coroner-General, a coroner or member of staff of the Service, if done in good faith in the exercise of a power of the Service, Council or Coroner-General, or performance of a function of the Service, Council or Coroner-General, shall not render the member of the Council, Coroner-General, coroner, or member of staff of the Service personally liable for any action, claim or demand.

Protection from
personal liability.

(2) Subsection (1) shall not relieve the Service of the liability to pay compensation to any person for any injury to the person, the property or the interests of the person, caused by the exercise of a power of the Service, Council or Coroner-General, or performance of a function of the Service, Council or Coroner-General.

PART III—POST-MORTEM INVESTIGATIONS

28. A post-mortem investigation shall be undertaken to ascertain—

Purpose of post-
mortem
investigations.

(a) the particulars of the deceased person;

(b) how, when and where the deceased person died;

(c) the cause and manner of the death;

- (d) what preventive measures may be taken to prevent deaths from similar causes or in similar circumstances from occurring; and
- (e) any other particulars as may be required under any other written law.

29. The Service shall undertake post-mortem investigations of all deaths suspected to be of a criminal nature, regardless of faith or other considerations that may require immediate disposal of the remains of the deceased person.

Post-mortem investigations of deaths suspected to be of a criminal nature.

30. (1) The Service shall investigate all reportable deaths.

Reportable deaths.

(2) A death is a reportable death if—

- (a) the deceased person is reported to have died due to an act of violence, an accident, a suspected homicide or suicide;
- (b) the deceased person is reported to have experienced a sudden and unexpected death;
- (c) the deceased person died in police custody, military custody, prison custody or other form of custody;
- (d) the deceased person died within one year and one day of suffering from an assault;
- (e) the deceased person died within twenty-four hours following a surgical procedure;
- (f) the deceased person died during or immediately after the administration of anaesthesia;
- (g) the deceased person died within twenty-four hours after being discharged from a health facility;
- (h) the death is a maternal death;
- (i) the deceased person is a victim of a sexual offence under the Sexual Offences Act;
- (j) the deceased person died from suspected infanticide;
- (k) the death is a cot death;

Cap. 63A.

- (l) the deceased person is a child who died from suspected child abuse;
- (m) the deceased person died within a mental health facility, rehabilitation centre or institution established for the care of older persons;
- (n) the deceased person died in a children's institution, education institution, early childhood education centre, child care facility or any other facility offering care or protection to children;
- (o) the deceased person died while in the care of a guardian;
- (p) the deceased person is suspected to have died from misadventure, negligence, misconduct or malpractice;
- (q) the deceased person died from a disease for which the person was treated by an unlicensed healthcare professional;
- (r) the deceased person died from a disease for which the person was treated by an individual not qualified to offer that treatment; or
- (s) the deceased person died under such circumstances as the Inspector-General of the National Police Service may require to be investigated.

(3) in this section —

“cot death” means the sudden, unexplained death of an otherwise healthy baby under one year old where the exact cause of death is unknown; and

“maternal death” means the death of a woman during pregnancy, childbirth, or within forty-two days of termination of pregnancy arising from any cause related to or aggravated by the pregnancy or its management.

31. (1) A person who suspects that the death of a person is a reportable death shall immediately notify the Service or a police officer.

Notification of
reportable deaths

(2) The person in charge of an institution or facility referred to in section 30 (2) (m) or (n) shall immediately notify the Service or a police officer of all deaths that occur in the institution or facility.

(3) The Service shall immediately notify a police officer of any notification made under subsection (1) or (2).

(4) A police officer who has been notified under subsection (1) or (2) shall immediately notify the Service of the reportable death.

(5) A person who does not comply with subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months or to both.

(6) A person who intimidates, harasses or assaults a person who makes a notification under subsection (1) or (2) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both.

(7) A body corporate which intimidates, harasses or assaults a person who makes a notification under subsection (1) or (2) commits an offence and is liable, on conviction, to a fine of two million shillings.

32.(1) Where a reportable death was a death that occurred in police custody, military custody, prison custody or any other form of custody, the officer in charge of the place of custody or, in the officer's absence, the police officer nearest the place of custody shall notify the Service immediately after the officer discovers the deceased person.

Notification of
deaths in custody.

(2) An officer who does not comply with subsection (1) commits an offence.

(3) In exceptional circumstances and where it is not practically possible to make the notification of the death within the period specified in subsection (1), the officer in charge of the station or the premises where the deceased was held in custody shall, in addition to notifying the Service of the death, issue a written report stating the reasons for the delay in making the notification.

(4) Where the Service investigates a death occurring in police custody, military custody, prison custody or any other form of custody, the Service shall furnish a copy of the notification of the death to the Independent Policing Oversight Authority or any other relevant authority.

33. (1) The Service shall, as soon as practicable, conduct a post-mortem investigation where the Service—

Conduct of post-mortem investigations.

- (a) becomes aware of the death under section 29; or
- (b) is notified under section 31 or 32.

(2) The Service shall conclude a post-mortem investigation within three months from the date the Service became aware of the death under section 29 or was notified of the death under section 31 or 32.

34. (1) A police officer or any person who is present at the time of the death of a person or who finds the body of a deceased person, shall in addition to making the notification under section 31 or 32, preserve the scene where the death occurred, or where the body was found, until the Service arrives at the scene.

Preservation and management of scenes of death.

(2) In addition to securing and preserving the scene under subsection (1), the police officer shall collect evidence necessary and relevant for purposes of the investigation and prosecution of any offence relating to the death.

(3) A person who interferes or tampers with evidence or a scene where a reportable death occurred commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years, or to both.

(4) A body corporate which interferes or tampers with evidence or a scene where a reportable death occurred commits an offence and is liable, on conviction, to a fine not exceeding two million shillings.

35. For purposes of post-mortem investigations under this Act, the Service shall have the power to collect forensic and other samples and to preserve the samples in such manner as the Service may determine.

Collection of forensic samples.

36. (1) This section shall apply if the body of a deceased person is to be transferred to a mortuary at the direction of—

Transferring the bodies of deceased persons to mortuaries.

- (a) the Service; or
- (b) a police officer.

(2) A person who is involved in transferring the body of a deceased person to the mortuary shall comply with—

- (a) any direction of the Service or a police officer; or
- (b) the directions of the Coroner-General regarding—
 - (i) the dignity and respect to be accorded to persons who are at the place from which the body of a deceased person is to be transferred, and their cultural traditions or spiritual beliefs; and
 - (ii) the way in which the body of the deceased person is to be transferred to the mortuary.

37.(1) The Service may authorise an interested person, or a representative of the interested person, to observe or participate in a post-mortem examination.

Participation in post-mortem examinations.

(2) Before issuing the authorisation under subsection (1), the Service shall ensure that—

- (a) the interested person or representative has an interest in the post-mortem examination;
- (b) the attendance of the person or representative, shall not compromise the integrity of the post-mortem examination; and
- (c) where practicable, any family member of the deceased person has been consulted.

(3) Upon issuing an authorisation under subsection (1), the Service shall give the interested person or representative a written notice of the time and place where the post-mortem examination is to be conducted.

(4) Upon request, the Service may authorise a person to observe or participate in a post-mortem examination for the purposes of the vocational or clinical education or training of the person.

38.(1) Where tissue is removed during a post-mortem examination, the Service may order the release of the body of the deceased person if the Service is satisfied that the relative or guardian of the deceased person has been informed of the extraction of the tissue and the retention of the tissue is necessary for the conduct of the post-mortem investigation.

Tissues required for conducting post-mortem examination.

(2) If the Service keeps tissue for testing, the Service shall, at least once in every six months after the

commencing the post-mortem examination, determine whether—

- (a) the tissue still requires to be retained for the post-mortem investigation or proceedings relating to the commission of an offence;
- (b) the tissue may be disposed of; or
- (c) the tissue may be stored indefinitely.

(3) In this section, “tissue” means any type of human tissue that has been identified as suitable for a particular purpose by the Service.

39.(1) The Service may procure the services of a qualified medical practitioner or any other expert to conduct a post-mortem examination.

Conduct of post-mortem investigations by medical practitioners.

(2) The procurement of the services of a qualified medical practitioner or any other expert under subsection (1) shall be in accordance with the Public Procurement and Asset Disposal Act.

Cap. 412C.

(3) For the purposes of subsection (1), a person is a suitably qualified medical practitioner if the person —

- (a) is a registered medical practitioner with relevant qualification and experience in human pathology; or
- (b) in a case where a particular kind of examination is requested, a practitioner of a description determined by the Service as suitable to make an examination of that kind.

(4) Where a person informs the Service that, in the person’s opinion, death was caused wholly or partly by the improper or negligent treatment offered by a medical practitioner or other person, that medical practitioner or other person —

- (a) shall not undertake, or assist in, a post-mortem examination of the body; and
- (b) shall be entitled to be represented during the post-mortem examination.

(5) The medical practitioner or expert under subsection (1) who conducts a post-mortem examination

under this section shall, as soon as practicable after conducting the post-mortem examination, prepare and submit a post-mortem examination report to the Service.

40.(1) The Service shall prepare a post-mortem investigation report of every post-mortem investigation conducted under this Act.

Post-mortem
investigation
reports.

(2) The report prepared under subsection (1) shall be issued to relevant authorities and interested persons as soon as the report is concluded in accordance with section 33(2).

(3) For the purposes of a criminal investigation and any subsequent prosecution of an offence, the Service shall prepare an interim post-mortem investigation report to the National Police Service and the Office of the Director of Public Prosecutions or any other relevant Authority within twenty-four hours of the conclusion of a post-mortem examination.

(4) The Service shall submit to the office of the Director of Public Prosecutions, National Police Service and any other relevant entity a final and conclusive report prepared under subsection (1) within three months after conducting a post-mortem examination.

(5) Where the Service does not submit the report prepared under subsection (1) within the time stipulated under subsection (4), the Service shall submit a report to the Office of the Director of Public Prosecutions, National Police Service and that other relevant entity, of the reasons for the delay.

(6) Every post-mortem investigation report shall be signed by the Coroner-General and shall include the following particulars—

- (a) where, when and by whom the investigation was conducted;
- (b) the identity of the deceased person;
- (c) where the body of the deceased person lies;
- (d) where, when and by what means the deceased person died;
- (e) the identification of issues in relation to preventive measures that can be undertaken by the authorities;

(f) any other matter that the Coroner-General considers necessary.

(7) Where the identity of the deceased person is unknown, the body may be described based on its physical or identifiable features.

(8) No post-mortem investigation report shall be deemed to be defective on account of any technical defect or for want of form.

41. Where the Service determines that an offence may have occasioned the death of the deceased person, the Service shall, immediately after the post-mortem investigation, submit a copy of the investigation report to the Office of the Director of Public Prosecutions and the National Police Service.

Actions taken where deaths are suspected to be due to offences.

42. The Service may, on application by an aggrieved party or on the Service's motion, review a post-mortem investigation report if—

Review of post-mortem investigations.

- (a) the Service considers that the circumstances warrant a fresh post-mortem investigation;
- (b) new facts or evidence that were previously not within the knowledge of the Service have emerged; or
- (c) new technology has emerged that is beneficial to the post-mortem examination.

43. (1) For purposes of the investigation, prosecution and hearing of a matter before court, a post-mortem investigation report prepared under section 40 shall be deemed to be *prima facie* evidence, and recognizable as such, with regard to the cause of death of the deceased person.

Post-mortem investigation report *prima facie* evidence.

(2) Subsection (1) shall not preclude a person who is dissatisfied with the findings of the Service from seeking another opinion on the cause of death of the deceased person in respect of whom a post-mortem report was prepared under section 40.

44. (1) Any person dissatisfied with a post-mortem investigation report prepared under section 40 may, at the cost of the person, seek another opinion from a medical practitioner.

Second opinions.

(2) Where another opinion is sought under subsection (1), the Service may attend the post-mortem investigation conducted by the medical practitioner.

45. When a post-mortem investigation has been completed, or if it is necessary before the post-mortem investigation is completed, the Service shall issue a disposal permit in respect of the remains of the deceased person.

Disposal permits.

46. (1) Unless a death is reported to the Service after the body of a deceased person has been disposed of, the Service shall have control of the body of a deceased person immediately the body is delivered to the Service.

Control of the bodies of deceased persons.

(2) The Service shall cease control of the body of a deceased person where the Service issues a disposal permit.

(3) Where the identity of a deceased person cannot be determined and the Service considers it necessary to dispose of the body of the deceased person, the Service shall dispose of the body in the manner prescribed by regulations made by the Attorney-General.

47. (1) The Service may discontinue a post-mortem investigation if—

Discontinuing post-mortem investigations.

- (a) the Service determines that the deceased person died of a natural cause;
- (b) a court order has been issued to discontinue the investigation;
- (c) the Service has a conflict of interest while conducting the investigation; or
- (d) the Service determines that it is prudent to discontinue the investigation for public health or public safety reasons.

(2) Where a post-mortem investigation is discontinued under subsection (1), the Service shall prepare a report as soon as practicable which shall include an explanation as to why the Service discontinued the investigation.

48. (1) To enable the Service to conduct a post-mortem examination on a body which is buried or cremated, the Service may apply to the High Court for an order—

Exhumation of bodies or recovering cremated remains.

- (a) if the body was buried, to be exhumed; or
- (b) if the body was cremated and the cremated remains may be recovered, the cremated remains to be recovered.

(2) The Service shall issue at least two days' notice of the intention to apply for an order issued pursuant to an application made under subsection (1), to—

- (a) the person in charge of the place where the body is buried, or the cremated remains are; and
- (b) such interested persons as the Service may determine.

(3) Subsection (2) shall not apply if—

- (a) after taking all reasonable steps, the Service cannot contact the persons referred to in subsection (2); or
- (b) the Service considers that it is not in the public interest to notify the persons mentioned in subsection (2).

(4) If a person has raised a concern in relation to an order issued pursuant to the application under subsection (1) but, after discussing the matter with the person, the Service considers it is in the public interest for the order to be made, the court shall make the order and give a copy of the order to the person.

(5) The order issued pursuant to the application under subsection (1) shall authorise a police officer to enter the place stated in the order and stay there for as long as reasonably necessary to exhume the body or recover the cremated remains.

(6) The police officer shall arrange for the body or cremated remains to be taken, in accordance with the directions in the order issued under subsection (1) to a place stated in the order.

(7) The Service shall, as soon as reasonably practicable after the post-mortem examination, direct the body or cremated remains to be returned to the place from where they were taken.

49. The cost of a post-mortem examination conducted by the Service shall be borne by the State.

State to bear the cost of post-mortem examinations.

PART IV—TRANSFER OF BODIES OF DECEASED PERSONS INTO AND OUT OF KENYA

50. (1) A person who intends to transfer the body of a deceased person out of Kenya shall apply to the Service for approval.

Transfer of bodies of deceased persons out of Kenya.

(2) This section shall not apply to any human remains that are deemed to be antiquities under the National Museums and Heritage Act.

Cap. 216.

51. (1) A person who intends to transfer the body of a deceased person into Kenya shall apply to the Service for approval.

Transfer of bodies of deceased persons into Kenya.

(2) This section shall not apply to any human remains that are deemed to be antiquities under the National Museums and Heritage Act.

Cap. 216.

52. (1) A person who intends to dispose of the body of a person whose death occurred out of Kenya, in Kenya, shall obtain a medical certificate of the cause of death issued by the country where the death occurred.

Disposal in Kenya where death occurred out of Kenya.

(2) This section shall not apply to antiquities under the National Museums and Heritage Act.

Cap. 216.

PART V—FINANCIAL PROVISIONS

53. The funds of the Service shall consist of—

Funds of the Service.

- (a) monies allocated by Parliament for purposes of the Service;
- (b) such fees as may be charged by the Service in accordance with this Act or Regulations made thereunder;
- (c) any lawful grants, gifts, donations or other endowments given to the Service; and
- (d) such funds as may vest in or accrue to the Service in the performance of its functions under this Act or under any other written law.

54. The financial year of the Service shall be—

Financial year of the Service.

- (a) the period beginning on the day on which this Act comes into operation and ending on the following thirtieth June; and

- (b) the period of twelve months commencing on the first of July and ending on the thirtieth of June of the subsequent year.

55. (1) At least three months before the commencement of each financial year, the Service shall cause to be prepared estimates of the revenue and expenditure of the Service for that year. Annual estimates.

(2) The annual estimates shall make provision for all the estimated expenditure of the Service for the financial year concerned and in particular, shall provide for the—

- (a) payment of remuneration in respect of the members of the Council and staff of the Service;
- (b) payment of pensions, gratuities and other charges in respect of benefits which are payable out of the funds of the Service;
- (c) maintenance of the buildings and grounds of the Service;
- (d) funding of training, research and development activities of the Service; and
- (e) creation of such funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installations, equipment and in respect of such other matters as the Service may deem fit.

(3) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate and shall be submitted to the Attorney-General for tabling in Parliament.

(4) The Service shall not incur any expenditure except in accordance with the annual estimates approved under subsection (3).

56. (1) The Service shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Service. Accounts and audit.

(2) The annual accounts of the Service shall be prepared, audited and reported upon in accordance with the Public Audit Act. Cap. 412B.

PART VI—OFFENCES

57. Any person who obstructs the Service in the execution of its powers or performance of its functions under this Act commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year.

Obstruction.

58. (1) A person who, without reasonable excuse, fails to supply information, documents or items as required by the Service under this Act, commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding one year or to both.

Failure to supply information, documents or items.

(2) A body corporate which, without reasonable excuse, fails to supply information, documents or items, as required by the Service under this Act, commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings.

59. (1) A person who makes a statement knowing that, or ought to have known that, the statement is false or misleading, commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years, or to both.

Making false or misleading statements.

(2) A body corporate which makes a statement knowing that, or ought to have known that, the statement is false or misleading, commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings.

60. A person who fails or refuses to comply with a direction to remove a body or any other lawful direction by the Service commits an offence.

Non-compliance with the directions of the Service.

(2) A person who hinders or prevents any person from complying with a direction to remove a body or any other lawful direction by the Service commits an offence.

(3) A person who is convicted of the offence under subsection (1) or (2) shall be liable to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both.

(4) A body corporate which fails, or refuses, to comply with a direction on the removal of a body, or any

other lawful direction by the Service under this Act, hinders, or prevents, any person from complying with a direction on the removal of a body, or any other lawful direction under this Act, commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings.

61. (1) Any person who commits an offence under this Act for which no penalty is provided shall be liable, on conviction, to a fine not exceeding five hundred thousand or imprisonment for a term not exceeding two years or to both.

General penalty.

(2) A body corporate which commits an offence under this Act for which no penalty is provided shall be liable, on conviction, to a fine not exceeding two million shillings.

PART VII—PROVISIONS ON DELEGATED POWERS

62. The Attorney-General may, in consultation with the Service, make regulations for better carrying into effect of the provisions of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), the regulations may prescribe—

- (a) the conduct of post-mortem investigations;
- (b) the procedure for conducting the review of a post-mortem investigation by the Service;
- (c) the procedure for considering a complaint by the Council;
- (d) the procedure for seeking another opinion in respect of a post-mortem investigation;
- (e) the procedure for the issuance of a certificate of the cause of death;
- (f) the procedure for the issuance of disposal permits;
- (g) the procedure for the designation of a facility for the temporary storage of bodies on which post-mortem examinations are being conducted;
- (h) the procedure for the approval of the transfer of bodies of deceased persons into or out of Kenya;

- (i) the procedure for the disposal of unidentified bodies;
- (j) the procedure for the retention of bodies or tissues of deceased persons; and
- (k) any other matter the Attorney-General considers necessary for the better carrying out of the Act.

(3) For the purposes of Article 94(6) of the Constitution—

- (a) the power of the Attorney General to make regulations shall be limited to bringing into effect the provisions of this Act and the fulfilment of the objectives specified under subsection (1); and
- (b) the principles and standards set out under the Statutory Instruments Act and the Interpretation and General Provisions Act in relation to subsidiary legislation shall apply to regulations made under this Act.

Cap. 2A.
Cap. 2.

PART VIII—MISCELLANEOUS PROVISIONS

63. (1) The Council may investigate a complaint against any of the following decisions of the Service —

Investigations of
complaints.

- (a) whether or not to conduct a post-mortem examination;
- (b) access or restriction to observe or participate in the conduct of a post-mortem examination;
- (c) the determination made at the conclusion of a post-mortem examination;
- (d) the retention by the Service of the tissue of a deceased person;
- (e) whether or not to review a post-mortem examination report;
- (f) whether or not to resume a post-mortem investigation after discontinuing the investigation;
- (g) the issuance of a certificate of cause of death;
- (h) the transfer of the body of a deceased person into or out of Kenya; or
- (i) the disposal of a body in Kenya where death occurred outside Kenya.

(2) Upon concluding the investigation of a complaint, the Council may make such recommendations as it considers necessary.

64. Any person may seek, and obtain, information from the Service on the exercise of any power or performance of any function of the Service.

Access to
information.

65. A member of the Council or staff of the Service shall not disclose any information acquired by the member of the Council or staff of the Service through the exercise of the powers or performance of the functions of the Service, except—

Non-disclosure of
information by the
Service.

- (a) for the purpose of any legal proceedings;
- (b) where the Service determines that it is in the public interest to disclose the information; or
- (c) where the member of the Council or staff of the Service is required to disclose the information under the Access to Information Act.

Cap. 7M.

66. (1) A public officer, State organ or State office shall at all times co-operate with the Service in ensuring the successful performance of the functions of the Service and in particular—

Duty to co-operate
with the Service.

- (a) respond to any inquiry made by the Service which is relevant to a post-mortem investigation; and
- (b) provide any other information that the Service may require in the performance of its functions under the Act and any other written law.

(2) Any State officer or public officer who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

67. (1) A person is not liable, civilly, criminally or under an administrative process, for submitting to the Service any of the following—

Protection from
liability for
information and
other items
submitted to the
Service.

- (a) information, a document or anything else in compliance with a requirement made under this Act or any other written law; or

(b) confidential information.

(2) Where a person submits to the Service an item required in the course of undertaking the functions of the Service under this Act or confidential information, that person shall not be held to have—

- (a) breached any code of professional etiquette or ethics; or
 - (b) departed from accepted standards of professional conduct.
- (3) Without limiting subsections (1) and (2)—
- (a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the required item or confidential information; and
 - (b) if the person would otherwise be required to maintain confidentiality about the required item or confidential information under an Act, oath or rule of law or practice, the person—
 - (i) does not contravene the Act, oath or rule of law or practice by giving the required item or confidential information; and
 - (ii) is not liable to disciplinary action for giving the required item or confidential information.

68. The National Coroners Service Act is repealed.

Repeal.
Cap. 89.

SCHEDULE

(s. 17)

Conduct of the affairs of the Council

1. (1) The Council shall meet at least four times in each year and not more than three months shall elapse between one meeting and the next.

Meetings of the Council.

(2) A meeting of the Council shall be held on such date and at such time and place as the Council may determine.

(3) The chairperson shall, on the written application of at least one-third of the members, convene a special meeting of the Council.

(4) The chairperson shall preside at every meeting of the Council at which the chairperson is present and in the absence of the chairperson at a meeting, the members present shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

(5) The proceedings of the Council shall not be deemed invalid only by reason of a vacancy among the members.

2. The quorum for the conduct of business at a meeting of the Council shall be five members.

Quorum.

3. A decision of the Council shall be by a majority of the members present and voting and, in the case of an equality of votes, the person presiding at the meeting shall have a casting vote.

Decisions of the Council.

4. Unless otherwise provided by or under any written law, all instruments made by and decisions of the Council shall be signified under the hand of the Chairperson.

Signification of instruments and decisions of the Council.

5. (1) If a member is directly or indirectly interested in any matter before the Council and is present at a meeting of the Council at which the matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of this meeting during consideration of the matter.

Disclosure of interest by members

(2) Despite subparagraph (1) where the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Council may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter.

(3) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(4) A member of the Council who contravenes subparagraph (1) commits an offence and is liable a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months, or to both.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of the Bill is to establish the National Coroners Service; post-mortem investigations; transfer of bodies of deceased persons into and out of Kenya; and for connected purposes.

Part I of the Bill provides for preliminary matters. This Part provides for the object and scope of the Act. This Part also provides for the guiding principles of the Act and the application of the Act.

Part II of the Bill provides for the establishment of the National Coroners Service. This Part provides for access to the Service and independence of the Service. This Part also provides for the functions of the Service. This Part provides for the appointment of the Council, the composition, qualifications, and term of office of its members, the functions of the Council, and the submission of an annual report on the operations of the Service to Parliament. This Part also provides for the appointment of the Coroner-General, the functions and powers of the Coroner-General. This Part provides for the appointment of coroners and staff of the Service including the corporation secretary to the Council. This Part also provides for conflict of interest and protection from personal liability of members of the Council, the Coroner-General and staff of the Service.

Part III of the Bill provides for the purpose of post-mortem investigations. This Part also provides for mandatory post-mortem investigations of deaths suspected to be of a criminal nature. This Part provides for what constitutes a reportable death and the obligation to make a notification where a reportable death occurs or a death in custody. This Part provides for the conduct of post-mortem investigations which includes the preservation and management of scenes of death, the collection of forensic samples by the Service, the transferring body of deceased person to mortuary, participation of persons in post-mortem examinations, the collection of tissues required for conducting post-mortem investigations, the conduct of post-mortem investigations by medical practitioners and post-mortem investigation reports. This Part also provides for the actions to be taken where death is suspected to be due to an offence. In addition, this Part provides for the review of post-mortem investigations. This Part provides for post-mortem investigation reports being *prima facie* evidence in legal proceedings. This Part provides for access to second opinions for post-mortem investigations. This Part provides for the issuance of disposal permits. This Part also provides for when the Service ceases control of the bodies of deceased persons or discontinues post-mortem investigations. This Part also provides for the

exhumation of bodies or recovering cremated remains. This Part also provides for the costs of post-mortem examinations to be borne by the State.

Part IV of the Bill provides for the transfer of bodies of deceased persons into and out of Kenya. This Part also provides for the disposal in Kenya where death occurred out of Kenya.

Part V of the Bill provides for the source of funds of the Service. This Part provides for the annual estimates of the Service as well as the auditing of the accounts of the Service.

Part VI of the Bill provides for the offences of obstruction, failure to supply information, documents or items, making false or misleading statements and non-compliance with other lawful directions of the Service on removal of the body of a deceased person. This Part also provides for the general penalty.

Part VII of the Bill provides for investigations of complaints into the decisions of the Service. This Part also provides for access to the information of the Service as well as non-disclosure of information by the Service. This Part provides for the duty to persons to co-operate with the Service as well as the protection from liability for information and other items submitted to the Service. This Part provides for the making of regulations for the better implementation of the Act. This Part also repeal of the National Coroners Service Act (Cap. 89).

The Schedule to the Bill provides for the conduct of the affairs of the Council.

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

The Bill delegate legislative powers to the Attorney general but it does not limit fundamental rights and freedoms.

Statement on whether the Bill concerns County Governments

The Bill does not concern county governments in terms of Article 110(1)(a) of the Constitution.

Statement whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill may occasion additional expenditure of public funds.

Dated the 19th August, 2026.

KIMANI ICHUNG'WAH,
Leader of the Majority Party.

