

ARRANGEMENT OF SECTIONS

Clause

PART 1— PRELIMINARY

1. Short title
2. Interpretation

PART II – ADMINISTRATION

3. Appointment of directors
4. Functions of director
5. Appointment of staff and agents
6. Provision of register and registration materials
7. Compulsory registration of births

PART III – REGISTRATION OF BIRTHS

8. Compulsory registration of births
9. Register of births and deaths
10. Period for registration of birth
11. Duty to notify a birth
12. Mode of registration of births
13. Register of presumed birth
14. Registration of births occurring outside Kenya
15. Entry of father in register

16. Insertion of the child's name

17. Certificate of birth

18. Production of certificate of birth

PART IV – REGISTRATION OF DEATHS

19. Notification and registration of death

20. Registration of deaths occurring outside Kenya.

21. Duty to notify a death

22. Certificate of cause of death.

23. Registrar to issue disposal permit

24. Inquiries as to cause of death

25. Presumption of death

26. Certificate of Death

27. No disposal without permit

PART V – ISSUANCE OF NATIONAL IDENTITY CARDS & MAINTENANCE OF RECORDS

28. Register

29. Registration

30. Registration of persons returning from abroad

31. Power to demand proof of information

32. Issuance of a national identity card

33. Use of National identity Card

34.Mutilated lost and found National Identification Cards

35.Production and inspection of national identity card

36.Validity of National Identity cards previously issued

PART VI – OTHER REGISTRATION

37.Duty to transmit data

PART VII – ADMINISTRATIVE PROCEDURES

38. Duty to transmit

39.Correction of registers

40.Cancellation and revocation of document of registration and identification

41.Monthly returns

42.Compilation of annual summary and report

43.Inspection of registers and provision of copies and certificates.

44.Identification documents

45.Review and Appeals

PART VIII - OFFENCES AND PENALTIES

46.Offences and penalties relating to registration of births and deaths

47.Offences and penalties relating to registration of citizens

48.Offences and penalties relating to entries

49.Offences relating to fabrication of documents

50.Offences relating to tampering with registration systems

51.Offences and penalties relating to deceptive procurement of registration

52. Offences and penalties relating to agents

53. General Penalty

PART IX - MISCELLANEOUS PROVISIONS

54. Trial of offences

55. Power to arrest

56. Prosecution of offences

57. Rules

58. Repeal of Caps 149 and 107

59. Savings and transition

A Bill for

AN ACT of Parliament to provide for the notification and registration of births and deaths, for the identification of Kenya citizens, the issuance of documents of registration and identification, and for connected purposes

ENACTED by the Parliament of Kenya as follows;

PART 1— PRELIMINARY

Short title	1. This Act may be cited as the National Registration and Identification Act, 2012.
Interpretation	2. In this Act, unless the context otherwise requires ;
	“Appeals Tribunal” means the Kenya Citizens and Foreign Nationals Management Service Appeals Tribunal established under section 23 Of the Kenya Citizens and Foreign Nationals Management Service Act;
	“authorized officer” means such officer authorized by the Director to exercise the powers or perform the duties and functions in respect of which the expression is used;
	“apparatus” includes seal, machinery or device and any wire or cable, together with any software and any equipment used with it for purposes of registration under this Act;
	“birth” means the issuing forth from the mother after the expiration of the twenty-eighth week of pregnancy, whether alive or dead;
	“Board” means the Board established under section5 of the Kenya Citizens and Foreign Nationals Management Service Act;
	“cabinet secretary” means the cabinet secretary responsible for citizens and foreign nationals management matters;
	“death” means the permanent cessation of all evidence of life after a live birth but it does not include still births
	“director” includes the Director General and such other officers as provided in the Kenya Citizens and Foreign Nationals Management Service Act and the person appointed as such under section 3(1) of this Act;

“disposal of human remains” means;

(a) burial of remains;

(b) cremation

(c) placing of remains in a mausoleum or other permanent resting place;

(d) placing the remains in the custody of an educational or scientific institution for purpose of medical education or research;

“fingerprint, thumbprint, palm print or toe print”; in relation to an individual, means a visible or invisible impression of a finger, thumb, palm or toe;

“foreign national registration certificate” means a registration certificate issued under section 56 of the Kenya Citizenship and Immigration Act.

“medical officer-in-charge” means a health personnel in charge of a health facility;

“medical officer of health” means a medical officer of health appointed under the Public Health Act, or any other Act, to carry out the duties of a medical officer of health in any area;

“National Identity card” means a card issued to citizens under this Act;

“police officer” means a police officer in charge of a police station being of or above the rank of Inspector;

“register” means a register established and maintained under this Act whether manual or electronic;

“registered person” means a person who is registered under this Act;

“registration and identification agent” means an agent appointed by the Service for purposes of this Act

“registration document” means a document used for the purposes of registration and identification under the Act;

“registrar” means the Director and includes any of the persons appointed as such under this Act;

	<p>“Service” means the Kenya Citizens and Foreign Nationals Management Service established under the Kenya Citizens and Foreign Nationals Management Service Act, 2011.</p>
	<p>PART II – ADMINISTRATION</p>
Appointment of directors	<p>3(1). The Service shall appoint a Director or such number of directors to be in charge of matters relating to national registration and identification.</p> <p>(2). To qualify for appointment as a Director, a person shall possess a degree in either law, economics, statistics, administration, management, population studies or demography and such other additional qualifications as the Board may prescribe.</p>
Functions of director	<p>4. A Director shall subject to the provisions of this Act and such directions as may from time to time be given under the Kenya Citizens and Foreign Nationals Management Service Act, perform the following functions;</p> <p>(i) advise the Service on matters relating to registration of births and deaths and identification of citizens</p> <p>(ii) register births and deaths in accordance with the provisions of this Act;</p> <p>(iii) develop strategies to identify and register citizens</p> <p>(iv) issue birth and death certificates and national identity cards</p> <p>(v) keep and maintain registers of births, deaths and citizens</p> <p>(vi) keep custody of the registration database and update the national population register on a continuous basis.</p> <p>(vii) perform such other functions as may be necessary for the carrying into effect the provisions of this Act.</p>
Appointment of staff and agents	<p>5. (1). The Service shall appoint such registrars or authorized officers as may be necessary for carrying out of the provisions of this Act.</p> <p>(2) The Service shall appoint such registration and identification agents as may be necessary for the better carrying out of the provisions of this Act.</p>
Provision of register and registration materials	<p>6. (1). The Service shall provide each registrar or a registrar in charge of a registration area and each registration and identification agent with such registers and registration materials as may be necessary for the purposes of registration.</p> <p>(2) Every registrar in charge of a registration area and every registration and identification agent shall keep and maintain such registers and other registration materials as may be provided in accordance with sub-section (1) in the prescribed manner.</p>

PART III – REGISTRATION OF BIRTHS	
Compulsory registration of births.	8. (1) Subject to the provisions of this Act, registration of every birth within Kenya is compulsory.
Register of births and deaths.	9. Every registrar in charge of a registration area shall keep a register of births and a register of deaths and shall enter therein, or cause to be entered, the prescribed particulars of every birth and death notified to him, respectively.
Period for registration of birth	<p>10. (1) The parent or guardian of a child shall within three months of birth register the birth of such child.</p> <p>(2) A birth not registered before the expiration of three months from the date of such birth shall only be registered upon the applicant complying with such requirements as shall be provided for in the regulations.</p> <p>(3) No registration shall be undertaken under sub section 2 upon expiry of 5 year from the date of coming into effect of this Act.</p> <p>Provided that: the cabinet secretary may by notice in the gazette extend the period of late registration.</p>
Duty to notify a birth	<p>11. (1) Upon the birth of a child, it shall be the duty of;</p> <p>(a) both the father and mother of the child; or</p> <p>(b) in the absence of the father or mother or in the absence of the father and in circumstances where the mother lacks capacity to inform on the birth, the occupier of the house in which to his knowledge the child is born; or</p> <p>(c) in the absence of any of the stipulated informants under this section the person having charge of the child;</p> <p>to give notice of the birth to the registrar of the registration area or to the registration and identification agent in which the birth occurs within such time as may be from time to time prescribed.</p> <p>(2) Where a birth occurs in a prison, hospital, orphanage, barrack or quarantine station, the duty to give notice of the birth shall lie on the officer in charge of the establishment in which the birth takes place.</p>
Mode of registration of births	12. (1) A person giving notice of the birth of a child shall give the prescribed particulars which shall be entered forthwith by the registrar or a registration and identification agent in the register, and the person notifying the birth shall certify to the correctness of the entry by either signing or by affixing his mark to the register.

	(2). The registrar or registration and identification agent shall before entering any information in the register ensure a person giving notice under Section 11 provides the following prescribed particulars:-
	(a) in regard to any birth, the name, sex, date, type, nature, any disability, weight at birth, place and county of birth;
	(b) in regard to the mother, the name, age, marital status, usual residence, nationality, national identity card number, unique identifier or passport number or alien number, level of education, occupation, and previous births;
	(c) in regard to the father, name, age, usual residence, nationality, national identity card number or passport number or foreign national identity card number, level of education and occupation;
	(d) in regard to the informant, name, capacity and signature of informant, and date of notification;
	(e) in regard to any death, the name, age, sex, marital status, residence, occupation and nationality of the deceased, and the date, place and cause of death;
Register of presumed birth	13. (1) The registrar shall maintain a register of presumed births in respect of every person who has been presumed a citizen under section 9 of the Kenya Citizenship and Immigration Act.
	(2) Where citizenship under section 21 of the Kenya Citizenship and Immigration Act is revoked, the registrar shall enter details of the revocation in a register maintained for that purpose.
Registration of births occurring outside Kenya.	14. (1) A person giving notice of a birth occurring outside Kenya, of a child who is a citizen of Kenya, shall produce to the registrar the following evidence of the birth;
	(i) a certificate of birth issued by the appropriate authority in the country abroad with an English translation of the certificate if it is not in English; or
	(ii) if certificates of birth are not issued in the country abroad, a certificate of the birth given by the doctor, midwife or other persons who attended the birth, with an English translation of the certificate if it is not in English; or
	(iii) if there is a Kenya Mission in the country abroad, a certificate of an Officer of the Mission that he is satisfied, from evidence produced to him and inquiries which he has

	<p>made, that the particulars of the birth given in the birth certificate are correct; or</p> <p>(iv) if there is no Kenya Mission in the country, such other evidence as the registrar may require.</p> <p>(2) The person notifying the birth shall certify in writing to the registrar the correctness and authenticity of the evidence which he or she submits.</p> <p>(3) Upon receiving the evidence required under subsection (1) to be produced, the registrar shall forthwith enter the prescribed particulars of the birth in the register of births occurring outside Kenya.</p>
Entry of father in register	<p>15. (1) A person shall not be entered in the register as the father of any child except either:-</p>
	<p>(a) Upon the production to the registrar of such evidence as the registrar may require that the father and mother were married according to law or in accordance with some recognized custom; or</p> <p>(b) At the joint request of the father and mother of such child appearing physically before the registrar.</p> <p>(c) Where the father, or the mother or both the mother and father of a child are dead, upon production of an order of a court of competent jurisdiction to the effect that such a person be registered as a father.</p>
	<p>(2) The registrar may, if the circumstance so requires, demand the physical presence of a child in respect of whom a person seeks to have his name entered in the register as the father in accordance with sub-section (1).</p>
Insertion of the child's name	<p>16.(1) Where the birth of any child has been registered before it has received a name, the parent or guardian of such a child, on payment of the prescribed fee, and on providing such evidence as the registrar may deem necessary, register the name that has been given to the child provided such name registration is done only once.</p> <p>(2) where the name by which a child was registered is changed, the parent or guardian of such child may within seven years of the birth, and on payment of the prescribed fee, and on providing such evidence as the registrar may deem necessary register the name that has been given to the child provided such change is done only once.</p>
Certificate of birth	<p>17. (1) Upon receipt of the application in the prescribed form and upon payment of the</p>

	prescribed fee, the Director shall furnish a certificate in the prescribed form of the birth of any person compiled in the prescribed manner from the records and registers in his custody.
	(2) A certificate of birth issued under sub section 1 shall contain the following information:
	I. Name of child;
	II. Place of birth;
	III. (iv) Date of birth;
	IV. Sex of child;
	V. Name, nationality, identity card number or passport number or foreign national registration certificate number of biological parent or parents of the child;
	VI. Any other information as may be prescribed by the Cabinet Secretary.
	(3) The information contained in a certificate of birth issued under this Act shall be presumed to be correct and such information may be received in evidence in any judicial proceedings.
	(4) A child who has been entered in the register of births and has been issued with birth certificate shall not be issued with another birth certificate on adoption.
Production of certificate of birth	18. (1) Any institution, in the exercise of its lawful function, may require production of certificate of birth and such requirement shall be lawful.
	(2) An institution under sub section (1) may, notwithstanding the provisions of any other law for the time being, defer consideration of the service until the certificate of birth of the said person has been produced or other proof that the birth of the person has been registered.
	PART IV – REGISTRATION OF DEATHS
Notification and registration of death	19. (1) A person giving notice of a death shall, to the best of his knowledge and ability give the prescribed particulars, which shall be entered forthwith by the registrar or registration and identification agent in the register of deaths, and the person notifying the death shall certify to the correctness of the entry by signing or by affixing his mark to the register.
	(2) Every death shall be registered immediately it occurs and in any case not more than one month from the date of such death.
	(3) A death shall not be registered after the expiration of one month from the date of such death except upon the applicant complying with such requirements as provided for in

	the regulations.
Registration of deaths occurring outside Kenya.	20. (1) A person giving notice of the death of a citizen of Kenya, which occurred outside Kenya, shall produce to the registrar the following:-
	(i) a certificate of death issued by the appropriate authority in the country abroad, with an English translation of the certificate, if it is not in English; or
	(ii) where there is a Kenya Mission in the country abroad, a certification by an officer of the Mission that he is satisfied, from evidence produced to him and inquiries which he has made, that the particulars of the death given are correct; or
	(iii) where there is no Kenya Mission in the country, such other evidence as the registrar may require;
	(2) The person giving notice of the death shall certify in writing, to the registrar, the correctness and authenticity of the evidence which he produces.
	(3) Upon receiving the information required under sub-section (1) the registrar shall enter the particulars of the death in the register in the prescribed manner.
Duty to notify a death	21. Upon the death of any person, it shall be the duty of, either:-
	(1) the next of kin or relative of the deceased present at the time of death of the deceased; or
	(2) in the absence of persons contemplated in sub section (1) , the next of kin or relative of the deceased dwelling or being in the same area as the deceased; or
	(3) in the absence of persons contemplated in subsection (1) and (2) the occupier of the house in which to his knowledge the death took place or an inmate of the house in which the death took place or any person finding or taking charge of the body of the deceased person or causing the body of the deceased person to be buried or otherwise disposed of, in that order;
	to give notice to the registrar or registration and identification agent of the area in which the death took place within such time as may be prescribed.
Certificate of cause of death.	22. (1) In the case of the death occurring in Kenya of any person who has been attended during his last illness by a medical officer, that medical officer shall sign a certificate stating to the best of his knowledge and belief the cause of death.
	(2) A certificate of cause of death signed in accordance with subsection (1) shall be forwarded forthwith by the medical officer to the registrar.

	<p>(3) The medical officer shall, on signing a certificate of death, issue a disposal permit to a person taking charge of the body of the deceased.</p> <p>(4) Where an inquest is held on the body of a deceased person, the magistrate holding the inquest shall send to the registrar a copy of his finding.</p> <p>(5) A medical officer who refuses or fails without reasonable cause to comply with any of the provisions of this section commits an offence and shall be liable, upon conviction to imprisonment for a term not exceeding three months, or a fine not exceeding fifty thousand shillings, or both such fine and imprisonment.</p>
<p>Registrar to issue disposal permit</p>	<p>23. (1) Where a registrar receives a report, in prescribed form, in respect of a death occurring in Kenya and in that report a magistrate or a police officer has certified that the death is not one to which sections 386 or 387 of the Criminal Procedure Code applies, he shall issue a written permit authorizing the interment or other disposal of the body of the deceased person.</p> <p>(2) Where a person notifying a death does not produce to the registrar a death report as provided for under sub-section (1), the registrar or registration and identification agent shall forthwith fill up, so far as the particulars thereby required are ascertainable by him, a death report and forward the same to the nearest magistrate or police officer, who shall, if after making the inquiries required by section 24 (1) of this Act and he is satisfied that the case is not one to which section 386 or 387 of the Criminal Procedure Code applies, make in the prescribed form the report required by section 24 (2) of this Act.</p>
<p>Inquiries as to cause of death</p>	<p>24. (1) Upon receipt of a death report from a registrar or registration and identification agent under section 21(2) of this Act, the magistrate or police officer, or any person specially empowered by the Service in that behalf, shall cause such inquiries to be made as to the cause of the death as he may think fit or as may be prescribed.</p> <p>(2) If the case does not appear from such inquiries to be one to which section 386 or 387 of the Criminal Procedure Code applies, the magistrate or police officer or other person as aforesaid shall report accordingly to the registrar or registration and identification agent, who shall issue a permit for the interment or other disposal of the body.</p>
<p>Presumption of death</p>	<p>25. (1) Where it is proved that a person has not been seen and has not been heard of for seven years by those who might be expected to have seen or heard of him if he were alive, there shall be a rebuttable presumption that he is dead.</p> <p>(2) Where a person is presumed dead in accordance with sub-section (1), any person who would have been under a duty under section 21 of this Act to notify the death of the person being presumed dead may apply for an order of a presumption of death in a court of law.</p>

	<p>of competent jurisdiction, and such an order, once issued, shall be served upon the Director and shall have the same effect as a certificate of death issued under this Act.</p> <p>(3) The Director shall maintain a register of presumed deaths and shall enter therein all orders issued by the court and served upon him in respect of presumed deaths.</p>
Certificate of Death	<p>26. (1) The Director shall upon application and payment of the prescribed fee issue a certificate of death in the prescribed form.</p> <p>(2). A certificate of death issued under sub section 1 shall contain the following information:</p> <p>(i) Name of deceased;</p> <p>(ii) Place of death;</p> <p>(iii) Date of death;</p> <p>(iv) Sex of deceased;</p> <p>(v) Cause of death;</p> <p>(vi) Age of the deceased;</p> <p>(vii) Nationality, identity card number or passport number or alien number of the deceased;</p> <p>(viii) Any other information as may be prescribed by the cabinet secretary.</p> <p>(3). The information contained in a certificate of death issued under this Act shall be presumed to be correct and such information may be received in evidence in any judicial proceedings.</p>
No disposal without permit	<p>27. A person shall not bury, cremate or otherwise dispose of the body of a deceased person without a permit issued in accordance with sections 23(2), 24(1) or 25(2) of this Act.</p>
	<p>PART III – ISSUANCE OF NATIONAL IDENTITY CARDS & MAINTENANCE OF RECORDS</p>
Register	<p>28. (1) The Director shall maintain records of all citizens to whom this part applies, in which there shall be entered the following prescribed particulars:-</p> <p>(a) Personal data</p> <p>(b) Biometrics</p> <p>(c) Home Particulars:-</p> <p>(d) Address:-</p>

	<p>(e) Such other particulars as may be prescribed through Regulations.</p>
	<p>(2) The Director shall have power to ensure, for control and regulation of the information in the register, security and necessary safeguards for protection and confidentiality of the data or information contained in the registration and database systems established, developed, and maintained, or so caused to be established, developed and maintained, under this Act including any database, data warehouse and networking infrastructure.</p>
	<p>(3) A registrar may in the exercise of his official duties, inspect the register and make extracts there from.</p>
Registration	<p>29. (1) The Director shall for the purposes of this part require an applicant to attend to give the registrars the particulars required and for the purpose shall permit his photo, finger thumb or palm or toe impressions to be recorded in the manner prescribed.</p> <p>Provided that an applicant shall appear before a registrar on attaining the age of twelve years but not later than the age of seventeen years.</p>
	<p>(2) Where any person required to be registered under this section and has been, prior to that requirement, registered under this Act and issued with a National Identity card, he or she shall, on being required to do so by a registrar so to do, forthwith surrender the National Identity card.</p>
	<p>(3) The Director may, by notice in the Gazette or in such other manner as he or she may deem fit to bring the contents thereof to the notice of the persons affected thereby, require any person or class of persons in any particular area of Kenya to attend before a registration officer at such dates as may be specified in the notice for the purpose of registering under the provisions of this Act and any such person upon being so required shall attend and give to the registrar the prescribed particulars and for the purpose shall permit his or her photo, finger thumb or palm or toe impressions to be recorded in the manner prescribed.</p>
	<p>(4) The Board shall:</p> <p>(a) establish a identification and registration committee to adjudicate over applications of registration where the citizenship of an applicant is in doubt; and</p> <p>(b) publish the general Rules and Guidelines to be used by the committee in execution of its work.</p>
	<p>(5) It shall be the duty of an applicant to prove Kenya citizenship before being registered under this Act.</p>
	<p>(5) (a) The Director shall issue a person who has made an application for registration for issuance of a national identity card with an acknowledgement forthwith.</p>

DRAFT NATIONAL REGISTRATION AND IDENTIFICATION BILL, 2012

	(b) Where the Director makes a decision not to register an applicant for the issuance of national identity card the Director shall notify the person in writing and state the reasons for refusal to register.
Registration of persons returning from abroad	30. Any person who, by reason of his or her absence from Kenya at the time at which he or she would otherwise have been required to register under this Act, is not a registered person, shall within sixty days of his or her entry into Kenya for purpose of establishing ordinary residency attend before a registrar for the purpose of being registered.
Power to demand proof of information	31. A Registrar shall require any person who has given any information in pursuance of this Act or rules made there under to furnish such documentary or other evidence of the truth of that information as the registrar may require before effecting registration for national identity card.
Issuance of a national identity card	32. Upon attainment of the age of eighteen years and upon registration of an applicant under this part, the Director shall process and issue a National Identity card in the prescribed manner.
Use of National identity Card	33. A National Identity card shall be used by a citizen for purposes of identification and any other purposes as may be prescribed in any other law or in the regulations.
Mutilated lost and found National Identification Cards	34. (1) Any person holding a mutilated National Identity card shall report to the Registrar and shall be issued with a replacement of the National Identity card upon application and payment of the prescribed fee and the surrender of the mutilated National Identity card.
	(2) Any registered person who loses his or her National Identity card shall report the loss to the nearest registration office without undue delay and shall be issued with replacement of his or her National Identity card upon application and payment of the prescribed fee.
	(3) Any person who finds or comes into possession of a National Identity card which does not belong to him or her shall without undue delay return it either to its owner or to the nearest registration office or the nearest police station.
Production and inspection of national identity card	35. (1) A state authority may require a person registered under this part to produce his or her national identity card to the satisfaction of the authority in the exercise of its lawful functions. (2) The Regulations may prescribe grounds under which the Cabinet Secretary may by notice in the Gazette require any person to whom this part applies to produce his or her National Identity Card to the Service for inspection.

	<p>(3) Where the Cabinet Secretary issues a notice in the Gazette on the basis of section subsection (2), he or she shall state in the Gazette notice the reason for requiring the production of the National Identity Card.</p> <p>(4) The Director or any of the persons appointed by the Service may, in the lawful exercise of his or her duties or functions under this Act, require a person to whom this Act applies to produce for inspection his/her the National Identity Card.</p>
Validity of National Identity cards previously issued	<p>36. Every National Identity card issued under this Act, whether or not expressed to be valid up to such time as the Cabinet Secretary may by Notice in the Gazette declare and upon such declaration every person with a National Identity card so declared to be invalid shall within ninety days of the declaration present himself or herself before registrar to be issued with another national identity card in accordance with Section 29.</p>
	<p>PART VII – OTHER REGISTRATION</p>
	<p>37. (1) Any person who acquires Kenyan citizenship other than by birth shall, for the purposes of this Act, apply for registration within sixty days of acquiring citizenship and shall immediately provide particulars thereof required under Section 28.</p>
	<p>(2) Where the person acquiring citizenship is a minor or a person lacking legal capacity it shall be the duty of the parent or the legal guardian to apply for registration of the person within sixty days of the minor or person’s acquisition of citizenship.</p>
	<p>PART IV - ADMINISTRATIVE PROCEDURES</p>
Duty to transmit data	<p>38. The Director shall transmit complete and validated data and subsequent change entered in the registers established under the Act to the national population register.</p>
Correction of registers	<p>39. (1)(a) No person, other than a registrar or other person authorized by the Director in writing in that behalf shall make any entry in, alteration to or erasure from the register.</p> <p>(b) Corrections shall be made without erasing the original entry, and shall be authenticated by the signature of the Director or a registrar.</p> <p>(2) (a) Any person having a legitimate interest in the records held by the Director may upon payment of the prescribed fee apply to the Director for a correction to be made under sub-section (1).</p> <p>(b) A person identified and registered as a citizen under this Act may apply for change</p>

	<p>of particulars in the Register upon such terms and conditions as may be prescribed under this Act or the Regulations.</p> <p>(3) Where the facial features or biometrics or both the facial features and biometrics of registered person have been permanently defaced or otherwise altered whether through accident, medical procedure or other cause the registered person shall be required to report such event to a registrar and the registrar may issue a replacement National Identity card and enter the particulars of the replacement in the register. Provided that: no replacement card will be issued if the application is motivated by fraud.</p>
<p>Cancellation and revocation of document of registration and identification</p>	<p>40. (1)The Director may cancel an entry in the register and revoke any document of registration and identification obtained through:</p> <ol style="list-style-type: none"> i. Misrepresentation of material facts ii. Concealment of material facts iii. Fraudulent means iv. Forgery v. Any other justifiable cause
	<p>(2) The Director may cancel the registration for purposes of any identification or registration document where a double or multiple registrations has taken place or where registration was done through misrepresentation of material facts</p>
	<p>(3) Upon cancellation of the registration the director shall proceed to cancel all the entries in the register pertaining to the registration.</p>
	<p>(4)Before cancellation of the registration and revocation of document of registration and identification as provided in sub section (1) and (2) above the director shall issue notice to the holder of his intention to revoke the document of registration and identification and shall provide the person with reasonable opportunity and forum to show cause why the registration should not be cancelled.</p>
	<p>(5) Where the Director Cancels Registration of a citizen or revokes the document of registration and identification, but such cancellation or revocation does not lead to the loss of the persons Kenyan Citizenship, the Director may require such person to file a new application for registration and issuance of document of registration and identification within such time line and upon meeting such conditions as may provide for in the Regulations.</p>
	<p>(6)Any person whose citizenship has been revoked under the Constitution or any other written law shall have his registration cancelled and his National Identity card revoked.</p>
	<p>(7)The Director may by notice in the Gazette publish the names and numbers of document of registration and identification of the person(s) whose registration has been</p>

	cancelled including those who have refused, neglected or failed to surrender the document of registration and identification.
Monthly returns	41. Every registrar in charge of a registration area shall, at the close of each month forward to the Director a return in the prescribed form.
Compilation of annual summary and report	42. Within three months after the close of the calendar year the Director shall compile a report of the births and deaths or the issuance of national identification cards of such year, and a report on the increase or decrease of the population of Kenya and on any special causes appearing to affect the same and present it to the Service Board.
Inspection of registers and provision of copies and certificates.	43. No information contained in the Register shall be disclosed otherwise than as required by the Constitution or prescribed under this Act and any other written law as long as such disclosure shall have regard of the privacy interests of the citizen concerned and the purpose of the disclosure.
Identification documents	44. Any document purporting to be a certificate under the hand of the Director, or an officer appointed by the Service and certifying that any return required to be made to him or her under this Act or any rules made there under has not been made, certifying a copy or extract of any record kept by the Director under this Act or certifying that any thumb or finger impressions are the thumb or finger impressions of a person specified in a certificate shall in any proceedings for an offence under this Act be prima facie evidence of the facts stated therein.
Review and Appeals	45. (1) Any person aggrieved by a decision of a State Officer or a public officer made under this Act may, within fourteen days of the notification of the decision, apply to the relevant committee of the Board for a review. (2) Any person aggrieved by a decision of the relevant committee under this Act, may apply to the Appeals Tribunal within fourteen days of making such decision.
	PART V - OFFENCES AND PENALTIES
Offences and penalties relating to registration of births and deaths	46. (1) A person who is under legal duty to give notice of birth or death and who without reasonable cause, fails to do so within the appropriate period provided in this Act commits an offence and shall be liable, upon conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding ten thousand shillings, or both. (2) Any person who, without lawful excuse— (a) willfully gives any false information for the purposes of the registration under this Act;

	<p>(b) falsifies or counterfeits or causes to be falsified or counterfeited any register or certified copy of an entry therein or any part thereof;</p>
	<p>(c) inserts or causes to be inserted in any register or certified copy of an entry therein or any part thereof any false entry;</p>
	<p>(d) issues, gives or utters any false certificate or certifies any writing to be a copy of or extract from a register or any entry therein, knowing such copy of extract to be false in any material particular;</p>
	<p>(e) Forges the signature, seal, impression or stamp of the Director or any registrar;</p>
	<p>(f) knowingly registers a birth or death which has previously been registered; or</p>
	<p>(g) knowingly permits any act referred to in paragraph (a) to (f) to be committed in relation to any register of which he has the custody or care or in relation to any certified copy of an entry in such register or any part thereof,</p>
	<p>commits an offence and shall be liable, upon conviction, to imprisonment for a term not exceeding seven years, or to a fine not exceeding two hundred thousand shillings, or both.</p>
Offences and penalties relating to registration of citizens	<p>47. Any person who-</p>
	<p>(a) Fails to apply to be registered in accordance with the provisions of this act: or</p>
	<p>(b) unlawfully deprives another person the possession of his national identity card or is in possession of another person's national identity card with the intention to commit an offence or makes unauthorised use of a national identity card belonging to another person;</p>
	<p>(c) falsely states that he has not previously been registered or commits any act or makes any false representation or omission with the object of deceiving a registrar; or</p>
	<p>(d) having previously been issued with a National Identity card under this Act obtains or attempts to obtain another National Identity card without disclosing to the registrar the fact of the previous issue and the loss, mutilation or destruction of any National Identity card previously issued; or</p>
	<p>(e) not having been previously registered allows another person to use his or her fingerprints, photographs and or documents to procure registration of that other person or</p>
	<p>(f) without the written authority of the Director, charges fees for the delivery of lost</p>

	<p>and found National Identity cards: or</p> <p>(g) unlawfully takes possession of ,withholds or detains any persons National Identity card issued to him under this Act; or</p> <p>(h) has in his possession or under his control without reasonable excuse, a National Identity card that is false, improperly obtained or relating to somebody else; or</p> <p>(i) willfully obstructs or impedes a registrar or a police officer in the exercise of any of his/ her functions under this Act; or</p> <p>(j) refuses or neglects to answer any question which he is bound by law to answer, to furnish any information, to produce any document or to attend at any place where required to do so under this Act.</p> <p>commits an offence and shall upon conviction be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months or to both.</p>
<p>Offences and penalties relating to entries</p>	<p>48. Any person who-</p> <p>(a) unlawfully makes an entry, alteration or erasure on a National Identity card or on any registration document; or</p> <p>(b) is knowingly in possession of a National Identity card containing any false entry, alteration or erasure ; or</p> <p>(c) with intent to deceive or defraud makes a false representation that he or any other person is the person to whom a National Identity card relates;</p> <p>(d) recklessly gives any information, which he or she knows or believes to be false in a material particular:-</p> <p>i) in a bid to confirm the contents of an entry in register;</p> <p>(ii) for the purpose of obtaining for himself or herself or another person registration under the Act;</p> <p>(iii) for the purpose of securing the making or modification of an entry in the Register or</p> <p>(iv) in confirming(with or without changes) the contents of an entry in the Register ;or</p>

	<p>(v) for the purpose of obtaining for himself or herself or another, registration as a Kenyan Citizen and issuance of a National Identity card;</p> <p>commits an offence and shall upon conviction be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.</p>
<p>Offences relating to fabrication of documents</p>	<p>49. Any Person who:-</p> <p>(a) makes any document purporting it to be a National Identity card or any registration document : or</p> <p>(b) alters a National Identity card or any registration document without authority in such a manner that if the alteration had been authorized it would have altered the effect of the National Identity card or any registration document: or</p> <p>(c) introduces into a National Identity card or any registration document whilst it is being drawn up in a matter, information which if it had been authorized would have altered the effect of the National Identity card or any registration document: or</p> <p>(d) without authority from the Director signs a National Identity card or any registration document ;</p> <p>Commits an offence and shall upon conviction be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding five years or to both:</p>
<p>Offences relating to tampering with registration systems</p>	<p>50. Any person who, who without authority, uses, deals with or does anything or tampers with;</p> <p>(a) the registration or database systems developed, established or maintained under this Act, including warehouse, any apparatus involved or networking infrastructure; or</p> <p>(b) the data or information contained, or housed ,or transmitted therein;</p> <p>commits an offence and shall upon conviction be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding seven years or to both.</p>
<p>Offences and penalties relating to deceptive procurement of</p>	<p>51. Any person who;</p> <p>(a) with intent to deceive issues or prints a National Identity card or any registration document; or</p>

registration	<p>(b) procures unlawful registration of any person either directly or indirectly under this Act; or</p> <p>(c) knowingly or recklessly and with intent to deceive utters any document or writing made, signed or executed by another person;</p> <p>(d) accepts any false, forged or otherwise tampered with document from any person for purposes of registration of such person under this Act, which he reasonably believes to be so;</p> <p>(e) without lawful authority or excuse, has in his or her possession, otherwise than in the course of duty, registration forms, stamps or any registration materials;</p> <p>commits an offence and shall upon conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.</p>
Offences and penalties relating to agents	<p>52. Any person who being a registration and identification agent as prescribed in the regulations, knowingly gives information that is false or misleading in any material respect regarding identification of an applicant as a Kenya citizen for purposes of this Act commits an offence and shall upon conviction, be liable to a fine of one Hundred thousand shillings or to imprisonment for a term not exceeding three years or both</p>
General Penalty	<p>53. If any person contravenes any provisions of this Act or of any rules made there where no other penalty is specifically provided commits an offence and shall be liable upon conviction, in the case of misdemeanour to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding eighteen months or to both, and in the case of a felony he or she shall be liable to a fine of five hundred thousand shilling or to imprisonment for a term of not less than three years or to both.</p>
<p>PART VI - MISCELLANEOUS PROVISIONS</p>	
Trial of offences	<p>54. (1) Offences under this Act or under any rules made there under shall be tried by any subordinate court.</p>
	<p>(2) A court of law shall have jurisdiction in any case brought before it under this Act against any person being at the time within its jurisdiction, whether the offence is alleged to have been committed within such area or not, or whether the person accused of the offence has his usual place of abode or residence within that area or not.</p>
Power to arrest	<p>55. A registrar or a police officer who has reasonable cause to suspect that a person has committed an offence under this Act, may, if it appears to him to be necessary to do so</p>

	in order to ensure that the purposes of this Act are not defeated, arrest that person without warrant; and sections 33 and 36 of the Criminal Procedure Code shall apply to that arrest as if the reference in section 33 of that Code to a police officer include reference to a registrar.
Prosecution of offences	56. Prosecution for an offence under this Act may, without prejudice to any other powers granted to any other public officers, be instituted by a registrar, and where the proceedings are instituted in a subordinate court a registrar may conduct the prosecution
Rules	57. The Cabinet Secretary may make rules for the better administration of this Act.
Repeal of Caps 149 and 107	58. The Births and Deaths Registration Act and the Registration of Persons Act are hereby repealed.
Savings and transition	59. (1) Any register kept, registration effected, notice given, rules made or other thing done or deemed to have been done under the Births and Deaths Registration Act or the Registration of Persons Act (now repealed) shall be deemed to have effect and be given effect as if it had been kept, effected, issued, made or done, as the case may be, under the provisions of those Acts, and this Act shall apply thereto accordingly.
	(2) For purposes of late registration, the dates set out in the Schedule to this Act shall be deemed to be the dates on which compulsory registration of births and deaths took effect in the respective areas set out against such dates.