



Approved  
20/02/2025  
D/SNA

**REPUBLIC OF KENYA**

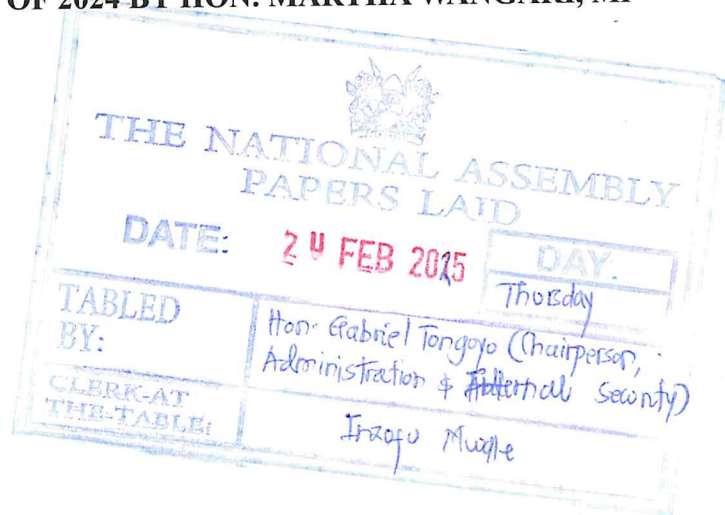
**THE NATIONAL ASSEMBLY**

**THIRTEENTH PARLIAMENT – FOURTH SESSION - 2025**

**DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY**

**REPORT ON: -**

**BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2024 BY HON. MARTHA WANGARI, MP**



Published by: -  
Directorate of Departmental Committees  
Clerk's Chambers  
Parliament Buildings  
NAIROBI

**FEBRUARY 2025**



## TABLE OF CONTENTS

<b>CHAIRPERSON'S FOREWORD .....</b>	<b>2</b>
<b>PART I .....</b>	<b>3</b>
<b>1.0 PREFACE.....</b>	<b>3</b>
<b>1.1 Mandate of the Committee .....</b>	<b>3</b>
<b>1.2 Subjects of the Committee .....</b>	<b>4</b>
<b>1.3 Committee Membership.....</b>	<b>5</b>
<b>2.0. CONSIDERATION OF THE PROPOSED BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL, 2024 .....</b>	<b>7</b>
<b>a. Submission by Hon. Martha Wangari, MP .....</b>	<b>8</b>
<b>b. Law Society of Kenya .....</b>	<b>8</b>
<b>c. Civil Registration Services under the State Department for Immigration and Citizen Services         9</b>	
Civil Registration Services submitted that based on the current provisions of subsection 5(2), all sublocations have been designated as compulsory registration areas for purposes of the registration of births and deaths. They thus proposed that subsection 5(1) of the Act be deleted as it has already been overtaken by events, subsection 5(2) becomes the new subsection (1) and that a new subsection 5(2) to provide for the establishment of at least one births and deaths registration office in each constituency be inserted.....	9
<b>Observation .....</b>	<b>9</b>
Despite any designation of sublocations as registration areas, section 5(1) of the Act which empowers the Cabinet Secretary to appoint any area to be a registration area is still necessary to ensure any further designation of registration areas by the Cabinet Secretary as and when necessary. ....	9
<b>3.0. COMMITTEE OBSERVATIONS.....</b>	<b>10</b>
<b>4.0. COMMITTEE RECOMMENDATIONS .....</b>	<b>11</b>
<b>5.0. PROPOSED AMENDMENT .....</b>	<b>12</b>

## **CHAIRPERSON'S FOREWORD**

The Births and Deaths Registration (Amendment) Bill, 2024, (National Assembly Bill No. 37 of 2024) sponsored by Hon. Martha Wangari, MP was read a first time on 18<sup>th</sup> September 2024 and subsequently committed to the Departmental Committee on Administration and Internal Security for consideration and reporting to the House, pursuant to Standing Order 127(1).

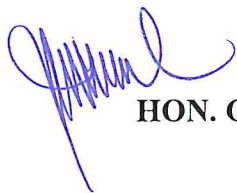
The principal object of this Bill is to amend the Births and Deaths Registration Act to provide that the Cabinet Secretary shall establish at least one births and deaths registration office in each constituency. Currently there are only one hundred and forty-three (143) birth and deaths registration centres in the country and therefore this service may not be reasonably accessible to all parts of the country as required by Article 6(3) of the Constitution

Pursuant to Article 118(1) (b) of the Constitution and Standing Orders 127(3), advertisements for request for submission of memoranda were placed in the Daily Nation and the Standard newspapers on 24<sup>th</sup> September, 2024. The Committee received submissions from Hon. Martha Wangari, the Ministry of Interior and the Kenya Law Reforms Commission.

The Committee considered the Births and Deaths Registration (Amendment) Bill, 2024, sponsored by Hon. Martha Wangari, MP taking into consideration views and recommendations of the public pursuant to Standing Order 127(3A), made observations and recommendations contained in Part Four and Part Five of this report.

The Committee sincerely thanks the Offices of the Speaker and the Clerk of the National Assembly for the immense and timely technical and logistical support accorded to it in the execution of its mandate. I also thank all the Members of the Committee for their commitment and hard work in the pre-publication scrutiny of the legislative proposal and compilation of this report.

On behalf of the Departmental Committee on Administration and Internal Security and pursuant to provisions of Standing Order 114 (7), it is my pleasant privilege and honor to present the Report of the Committee on its consideration of the proposed Births and Deaths (Amendment) Bill, 2024.



**HON. GABRIEL TONGOYO, CBS, MP**

**CHAIRPERSON**

**DEPARTMENTAL COMMITTEE ON ADMINISTRATION & INTERNAL SECURITY**

## **PART I**

### **1.0 PREFACE**

#### **1.1 Mandate of the Committee**

1. The Departmental Committee on Administration and Internal Security is constituted pursuant to the provisions of Standing Order No. 216(1) of the National Assembly Standing Orders. The functions of the Committee are to: -
  - (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
  - (b) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
  - (ba) on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;
  - (c) study and review all legislation referred to it;
  - (d) study, assess and analyze the relative success of the Ministries and departments by the results obtained as compared with their stated objectives;
  - (e) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
  - (f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);
  - (fa) examine treaties, agreements and conventions;
  - (g) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
  - (h) consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
  - (i) examine any questions raised by Members on a matter within its mandate.

## **1.2 Subjects of the Committee**

2. In executing its mandate, the Committee is mandated to consider the following subjects:
  - a. Home affairs, internal security – including police services and coast guard services;
  - b. Public administration; and
  - c. Immigration and citizenship.

### 1.3 Committee Membership

3. The Committee comprises of the following Members: -

**Hon. Gabriel Tongoyo, CBS, MP**

**Chairperson**

Narok West Constituency

**Hon. Col. (Rtd.) Dido Rasso, MBS, MP**

**Vice Chairperson**

Saku Constituency

**Hon. Kaluma George Peter, MP**

Homa Bay Constituency

**Hon Protus Ewesit Akujah, MP**

Loima Constituency

**Hon. Aduma Owuor, MP**

Nyakach Constituency

**Hon. Rozaah Akinyi Buyu, MP**

Kisumu West Constituency

**Hon. Fred C. Kapondi, MP**

Mt. Elgon Constituency

**Hon. Caroline Ng'elechi, MP**

Elgeyo-Marakwet County

**Hon. Liza Chepkorir Chelule, MP**

Nakuru County

**Hon. Fatuma Jehow, MP**

Wajir County

**Hon. Sarah Paulata Korere, MP**

Laikipia North Constituency

**Hon. Francis Sigei, EBS, MP**

Sotik Constituency

**Hon. Oku Kaunya, MP**

Teso North Constituency

**Hon. Hussein Weytan, MP**

Mandera East Constituency,

**Hon. Mburu Kahangara, MP**

Lari Constituency

### **1.5 Committee Secretariat**

4. The Committee Secretariat consists of the following:

5.

**Mr. John Mugoma**

Head of Secretariat

**Ms. Grace Wahu**

Clerk Assistant II

**Mr. Gideon Kipkogei**

Clerk Assistant II

**Mr. Edison Odhiambo**

Fiscal Analyst I

**Ms. Clara Kimeli**

Principal Legal Counsel I

**Ms. Delvin Onyancha**

Research Officer II

**Mr. Benson Kimanzi**

Serjeant at Arms

**Ms. Judith Kanyoko**

Legal Counsel II

**Ms. Ivy Maritim**

Media Relations Officer III

**Mr. Rodgers Kilungya**

Audio Officer



## **PART II**

### **2.0. CONSIDERATION OF THE PROPOSED BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL, 2024**

#### **2.1. OBJECTIVE OF THE BILL**

6. The principal object of this Bill is to amend the Births and Deaths Registration Act, (Cap. 149) to ensure that the Cabinet Secretary establishes at least one births and deaths registration office within each constituency.
7. The Bill proposes to amend section 5 of the Births and Deaths Registration Act to provide that the Cabinet Secretary shall appoint at least one registration area in each Constituency.

#### **2.2.COMMITTEE ANALYSIS OF THE BILL**

8. The enactment of the Bill would ensure there are at least 290 Births and Deaths Registration areas. The Act currently requires the Cabinet Secretary to appoint fit and proper persons to be the registrars and deputy registrars for each registration area and a fit and proper person to be the registrar of births and deaths occurring outside Kenya.
9. The proposal is founded on Article 6(3) of the Constitution which provides that a national State organ shall ensure reasonable access to its services in all parts of the Republic, so far as it is appropriate to do so having regard to the nature of the service.
10. Section 4(2)(b) of the Kenya Citizens and Foreign Nationals Management Service Act I (Cap. 171) mandates the Citizens and Foreign Nationals Management Service to administer the Births and Deaths Registration Act. Currently, the registration of births and deaths is carried out by the Civil Registration Services (CRS), a Department under the Ministry of Interior & Coordination of National Government. While there is varying information as to how many Births and Deaths registration centres currently exist in the country, an audit report published in September 2020 by the Office of the Auditor General titled “Performance Audit Report on Civil Registration and Dissemination of Vital Statistics by the Civil Registration Service” established that a Civil Registration Officer covered an average of about 11, 894 sq. km and that there were 109 Civil Registration Offices in 2017 translating to 438, 192 persons per Civil Registration Officer. A resurvey in August 2019 indicated that that the service had opened two more offices and recruited 171 new officers.
11. The service offers some of its services online through E-citizen at <https://crs.ecitizen.go.ke/>. The services offered online include application for a Birth Certificate, application for a late

Birth Certificate, application for change of particulars on a Birth Certificate, application for a new birth certificate, application for replacement of a Death Certificate and application for registration of a health facility as a key informant to issue notifications of birth and death. While the application processes may be done online, the collection of documents is ultimately done physically hence the need for physical centres.

### **2.3.SUBMISSION BY STAKEHOLDERS**

12. By the provisions of Standing Order 127(3) the Committee is required to facilitate public participation on the Bill through an appropriate mechanism including: (a) inviting submission of memoranda; (b) holding public hearings; (c) consulting relevant stakeholders in a sector; and (d) consulting experts on technical subjects. The Committee invited the public to submit memoranda via print media on Tuesday 24<sup>th</sup> September 2024.
13. The Committee received memoranda from the Law Society of Kenya and the Civil Registration Services under the State Department for Immigration and Citizen Services. The Committee also received oral submissions from the Sponsor of the Bill, Hon. Martha Wangari, MP regarding the Bill.

#### **a. Submission by Hon. Martha Wangari, MP**

14. The Hon. Martha Wangari, M.P submitted that the Bill seeks to ensure easy access to issuance of birth certificates and death certificates. It will ensure alignment to the new Constitution and a birth and death registration centre in each constituency. She noted that out of 238 operationalized sub-counties, only 157 have a births and deaths registration centre and that the Bill will mandate that every constituency has this centre to ensure that the services are closer to the people.

#### **b. Law Society of Kenya**

15. The Law Society of Kenya submitted that Article 6 (3) of the Constitution provides that a national state organ shall ensure reasonable access to services in all parts of the Republic, so far as it is appropriate to do so, having regard to the nature of service. The establishment of at least one registration area in each constituency would not only fulfil the constitutional mandate as provided in the said Article but also ensure citizens can only access births and deaths registration services.
16. They submitted further that section 8 of the Births and Deaths Registration Act provides that a registrar shall not register a birth or death after expiration of six months except upon

receiving written authority of the Principal. They noted that the proposed amendment directly impacts on this section by enhancing accessibility to the services, ensuring timely registration.

17. They noted that the amendment aligns with Article 14 of the Constitution on the right to legal identity, Article 27(1) on equality before the law, Article 53 on the right of a child to have a name and nationality and Article 201 (b) on equitable sharing of resources. They submitted that the establishment of at least one registration centre in each Constituency will ensure that no one is excluded based on geographical location or socio-economic status and alleviate the administrative burden on existing centres.

**c. Civil Registration Services under the State Department for Immigration and Citizen Services**

Civil Registration Services submitted that based on the current provisions of subsection 5(2), all sublocations have been designated as compulsory registration areas for purposes of the registration of births and deaths. They thus proposed that subsection 5(1) of the Act be deleted as it has already been overtaken by events, subsection 5(2) becomes the new subsection (1) and that a new subsection 5(2) to provide for the establishment of at least one births and deaths registration office in each constituency be inserted.

**Observation**

Despite any designation of sublocations as registration areas, section 5(1) of the Act which empowers the Cabinet Secretary to appoint any area to be a registration area is still necessary to ensure any further designation of registration areas by the Cabinet Secretary as and when necessary.

## PART III

### 3.0. COMMITTEE OBSERVATIONS

Upon consideration of the Bill, the Committee made the following observations—

- (a) The enactment of the Bill would bring births and deaths registration services closer to the people;
- (b) The proposal is founded on Article 6(3) of the Constitution which provides that a national State organ shall ensure reasonable access to its services in all parts of the Republic, so far as it is appropriate to do so having regard to the nature of the service;
- (c) The unit of service delivery for the National Government as per the National Government Coordination Act Cap. 127 is the sub-county.

THE NATIONAL GOVERNMENT  
RECEIVED  
20 FEB 2015

## **PART IV**

### **4.0. COMMITTEE RECOMMENDATIONS**

The Committee, having considered the Births and Deaths Registration (Amendment) Bill (National Assembly Bills No. 37 of 2024) recommends that the House approves the Bill with amendment contained in Part V of this Report.

## PART V

### 5.0. PROPOSED AMENDMENT

#### CLAUSE 2

**THAT** Clause 2 of the Bill be amended in the proposed new subsection (1A) by deleting the word “constituency” and substituting therefor the word “sub-county”.

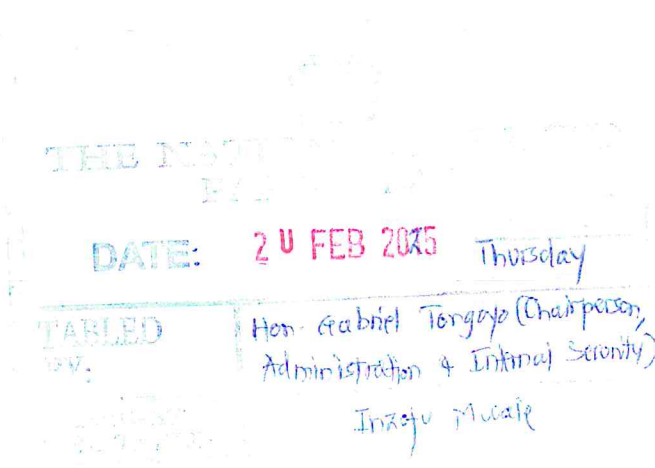
#### Justification

The unit of service delivery for the National Government as per the National Government Coordination Act, Cap. 127 is the sub-county.

SIGN..... DATE.....

**HON. GABRIEL TONGOYO, CBS, MP**  
**CHAIRPERSON**

**DEPARTMENTAL COMMITTEE ON ADMINISTRATION & INTERNAL SECURITY**







**THIRTEENTH PARLIAMENT - THIRD SESSION – 2024**

**DIRECTORATE OF DEPARTMENTAL COMMITTEES**

**DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY**

*ADOPTION SCHEDULE*

Report on the Prepublication Scrutiny of the proposed Births and Deaths Registration(Amendments) Bill,2024 by Hon. Martha Wangari, MP

Date 26/04/2024

No.	HONMEMBER	SIGNATURE
1.	Hon. Gabriel Koshal Tongoyo, MP - Chairperson	
2.	Hon. Col (Rtd) Dido Rasso, MBS, MP-Vice Chairperson	
3.	Hon. Kaluma George Peter, MP	
4.	Hon. Fred C. Kapondi, MP	
5.	Hon. Aduma Owuor, MP	
6.	Hon. Sarah Paulata Korere, MP	
7.	Hon. Liza Chepkorir Chelule, MP	
8.	Hon. Mburu Kahangara, MP	
9.	Hon. Protus Ewesit Akujah, MP	
10.	Hon. Oku Kaunya, MP	
11.	Hon. Rozaah Akinyi Buyu, MP	
12.	Hon. Amb. Francis Kipyegon Sigei, EBS, MP	
13.	Hon. Fatuma Abdi Jehow, MP	
14.	Hon. Caroline Jeptoo Ng'elechei, MP	
15.	Hon. Hussein Weytan Mohammed, MP	

