

**NO. 4 OF 2006**

**THE STATISTICS ACT**

SUBSIDIARY LEGISLATION

---

*List of Subsidiary Legislation*

*Page*

1. The Statistics (Census of Population) Order.....	3
2. The Statistics (Census of Population) Order.....	9

---

---



**THE STATISTICS (CENSUS OF POPULATION) ORDER**

[Legal Notice 107 of 2008]

1. This Order may be cited as the Statistics (Census of Population) Order.
2. In this Order, unless the context otherwise requires—
  - "authorized officer" means an enumerator or supervisor or other census personnel appointed and designates as such on the advice of the Director-General;
  - "Board" means the Board of Directors of the Bureau;
  - "Bureau" means the Kenya National Bureau of Statistics established under section 5 of the Act;
  - "census reference night" means midnight of 24th/25th August, 2009;
  - "Committee" means the National Census Steering Committee established under paragraph 6;
  - "pilot census reference night" means the midnight of 24th/25th August, 2009;
  - "post-census enumeration survey" means the survey carried out after the completion of the enumeration in respect of the national census;
  - "premises" means any place where a person is residing at the time of taking the population census or pilot census;
  - "project" means the national census;
  - "project co-ordinator" means the Director-General of the Bureau;
  - "return" means the census questionnaire;
  - "Secretariat" means the Project Management Secretariat established under paragraph 10;
  - "technical advisers" means experts in different disciplines engaged by the census project to provide technical support during its implementation.
3. There shall be a national census which shall be taken starting on the midnight of the 24th/25th August, 2009, and the enumeration in respect of which shall be completed on the 31st August, 2009.
4. There shall be a pilot census which shall be taken starting on the midnight of the 24th/25th August, 2008 in the areas specified in the First Schedule and the enumeration in respect of which shall be completed on the 31st August, 2008.
5. The pilot census, national census and post-census enumeration survey shall be conducted by the Director-General under the guidance of the Board of Directors of the Bureau.
6. There shall be a National Census Steering Committee, which shall consist of—
  - (a) the Permanent Secretary in the Ministry of State for Planning, National Development and Vision 2030 who shall be the Chairman of the Committee and the National Census Officer;
  - (b) the members of the Board;
  - (c) the Permanent Secretary in the office of the President responsible for Provincial Administration and Internal Security, who shall be the co-chairman;
  - (d) the Provincial Commissioner for Nairobi, who shall be the alternate chairman;
  - (e) the Permanent Secretary in the Ministry of Local Government;
  - (f) the Permanent Secretary in the Ministry of Finance;
  - (g) the Permanent Secretary in the Ministry of Youth Affairs and Sports;

*Statistics*

[Subsidiary]

- (h) the Permanent Secretary in the Ministry of Gender, Children and Social Development;
- (i) the economic planning secretary in the Ministry of State for Planning, National Development and Vision 2030;
- (j) the Chief Executive Officer of the National Co-ordinating Agency for Population and Development;
- (k) the Director of the Survey of Kenya;
- (l) one representative from each of the following bodies—
  - (i) the Supreme Council of Kenya Muslims;
  - (ii) the National Council of Churches of Kenya;
  - (iii) the Kenya Episcopal Conference;
  - (iv) the Hindu Council of Kenya;
  - (v) the Media Council of Kenya;
  - (vi) the Kenya National Union of Teachers;
  - (vii) Kenya Private Sector Alliance;
  - (viii) the Education Secretary in the Ministry of Education;
  - (ix) the Central Union of Trade Unions;
  - (x) the Division of Reproductive Health in the Ministry of Public Health and Sanitation;
  - (xi) Maendeleo ya Wanawake (MYWO); and
  - (xii) an organization dealing with persons with disabilities;
- (m) the Director of the Population Studies and Research Institute of the University of Nairobi;
- (n) the Project Co-ordinator, who shall also be the secretary to the Committee; and
- (o) Members of the Secretariat.

7. The Provincial Commissioners in charge of all provinces shall serve as deputy national census officers.

8. The Board shall—

- (a) advise the Cabinet Secretary in charge of the census; and
- (b) provide overall leadership to guide the successful execution of the 2009 census activities.

9. The functions of the National Steering Committee shall be—

- (a) to formulate all relevant census policies;
- (b) to foster linkages with the general public;
- (c) to review strategies and plans related to publicity and advocacy;
- (d) to review reports on the census implementation;
- (e) to examine the census instruments namely, the questionnaire, enumerators' and supervisors' instruction manuals and opinion leaders' guide; and
- (f) to liaise with all stakeholders to provide the required support to the census.

10. There shall be a Census Project Management Secretariat which shall consist of—

- (a) the Project Co-ordinator;
- (b) the Heads of Directorates, section heads and such other officers from the Bureau as the Director-General may consider sufficient for the purposes of the census; and
- (c) such public officers or other staff as may be seconded to the Secretariat on the request of the Director-General.

**11.** There shall be a District Census Committee in every district, which shall consist of not less than twelve and not more than twenty-five persons who shall include—

- (a) the District Commissioner, who shall be the Chairman and the District Census Officer;
- (b) the District Statistical Officer who shall be the Secretary;
- (c) the District Officers stationed in the District;
- (d) one person representing the Civil Society organizations operating in the District;
- (e) three persons representing the predominant local religious organizations;
- (f) the District Social Development Officer;
- (g) the District Development Officer;
- (h) Regional Population Co-ordinators;
- (i) the Officer Commanding Police Division;
- (j) the District Information Officer;
- (k) the clerk to the county or municipal council;
- (l) the District Civil Registration Officer;
- (m) the District Registrar of Persons;
- (n) the Members of Parliament in the district;
- (o) the mayor of the local authority; and
- (p) the Chairperson of the district branch of the Maendeleo ya Wanawake Organisation.

**12.** A return for the purpose of the census shall be completed by an authorized officer and shall be made in respect of—

- (a) all persons in Kenya on the census reference night or the pilot census reference night;
- (b) all persons on transit, travellers and those residing in open and temporary shelters on the reference census night or the pilot census reference night; and
- (c) all persons accommodated or residing in private and public institutions on the census reference night or the pilot census reference night.

**13.** Where a dwelling or part thereof is occupied by a household consisting of one or more persons, a return shall be made with respect to that person or persons resident or accommodated therein on the census reference night or pilot census reference night.

**14.** In the absence of the head of the household, any responsible person in such household shall provide information to the authorized officer for the completion of the return with respect to every member resident or accommodated in the premises on the census reference night or pilot census reference night to the best of their knowledge.

**15.** The information to be obtained by the authorized officer shall be of any or all the particulars specified in the Second Schedule hereto.

**16.** The information to be obtained during the pilot census, national census or post-census enumeration survey shall be confidential and no report, abstract or document shall be published or shown to any person not employed in the census.

**17.** Any person who—

- (a) discloses census information to another person without lawful authority; or
- (b) fails to provide the required information,

shall be guilty of an offence and liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand shillings, or to both such fine and imprisonment.

*Statistics*

[Subsidiary]

## FIRST SCHEDULE

[r. 4]

## AREAS TO BE COVERED IN THE PILOT CENSUS

Two sub-locations in each of the following districts:

Mombasa  
Msambweni  
Mbooni  
Tigania  
Nyeri North  
Nyandarua North  
East Pokot  
Keiyo  
Turkana North  
Isiolo  
Narok South  
Nyamira  
Migori  
Busia  
Bungoma West  
Kisumu East

## SECOND SCHEDULE

[r. 15]

Particulars to be asked of All Persons

1. Name.
2. Relationship to head of household.
3. Sex.
4. Age.
5. Tribe or Nationality.
6. Religion.
7. Marital status.
8. Place of birth.
9. Place of residence in August, 2008 for pilot census or August 2009 for main census.
10. Duration of residence in the district of enumeration.
11. Is father alive?
12. Is mother alive?

***Particulars to be asked of All Persons aged 4 years and over***

13. School attendance status.

14. Highest level reached.

15. Highest level completed.

***Particulars to be asked of Females aged 12 years and over***

16. (1) Particulars of all live births—

- (a) number now living in the premises;
- (b) number living elsewhere;
- (c) number who have died.

(2) Particulars of the last live birth—

- (a) date of birth;
- (b) registration of the birth;
- (c) sex of child;
- (d) survival status.

***Information regarding Disability Particulars to be asked of All Persons***

- (a) Difficulty with seeing.
- (b) Difficulty with hearing.
- (c) Difficulty with walking.
- (d) Difficulty with remembering or concentrating.
- (e) Difficulty with self care.
- (f) Difficulty with communicating.

***Particulars to be asked of All Persons aged 10 years and over***

18. Labour Force—

- (a) What was the main activity the person was engaged in during the week preceding the census reference night?
- (b) What was the main occupation?
- (c) Who was the main employer?
- (d) How many hours worked in last 7 days preceding census reference night?
- (e) In which industry did the person work?
- (f) Steps person took to search for work?

***Particulars to be asked of All Persons aged 6 years and over***

19. Information regarding ICT—

- (a) Access to radio, TV, phone and computer.
- (b) Use of computer.
- (c) Where computer accessed

***Recent deaths in household***

- (a) Did any member of this household die in the last 12 months?
- (b) If yes, number of deaths in household in last 12 months.
- (c) Deaths order of deceased.
- (d) Name of household deceased.
- (e) Registration of death.
- (f) Age of household deceased.
- (g) Sex of household deceased.

For Women who died at age 12-49

- (h) Death occurred during pregnancy.
- (i) Death occurred during delivery.

*Statistics*

---

[Subsidiary]

- (j) Death occurred within two months after delivery.

***Agricultural Activity***

- (a) Household members operated land for agricultural purposes.  
(b) Total quantity of crop produced in last 12 months.  
(c) Number by type of livestock kept by household.  
(d) Total size of land in acres used by household for crop and animal production.

***Housing Conditions and Amenities*****22. Housing conditions and social amenities—**

- (a) number of dwelling units,  
(b) number of habitable rooms,  
(c) ownership status,  
(d) construction materials of the main dwelling unit,  
(e) main source of water,  
(f) main sewage disposal,  
(g) main cooking fuel,  
(h) main type of lighting.
-



---

**THE STATISTICS (CENSUS OF POPULATION) ORDER**

ARRANGEMENT OF SECTIONS

1. Citation
2. Interpretation
3. The National Population and Housing Census
4. Census to follow the pilot Population and Housing Census
5. Conducting the Census
6. The National Census Steering Committee
7. Functions of the Committee
8. Functions of the Board
9. Technical Working Committee
10. County Census Committee
11. Return
12. Return to indicate persons resident in dwelling
13. Absence of head of household
14. Second Schedule
15. Information to be confidential
16. Offences
17. Variation of census data

SCHEDULES

AREAS COVERED IN THE PILOT CENSUS

PARTICULARS TO BE ASKED OF ALL PERSONS

---



## THE STATISTICS (CENSUS OF POPULATION) ORDER

[Legal Notice 205 of 2018, Legal Notice 15 of 2019]

### 1. Citation

This Order may be cited as the Statistics (Census of Population) Order.

### 2. Interpretation

In this Order, unless the context otherwise requires—

"authorized officer" means an enumerator or supervisor or other census personnel appointed and designated as such on the advice of the Director General;

"Board" means the Board of Directors of the Kenya National Bureau of Statistics established under section 5 of the Statistics Act (Cap. 112);

"Bureau" means the Kenya National Bureau of Statistics established under section 3 of the Statistics Act (Cap. 112);

"Census" means the National Population and Housing Census conducted by the Bureau;

"census reference night" means midnight of 24th/25th August, 2019;

"Committee" means the National Census Steering Committee established under paragraph 6;

"enumeration Area" means the smallest geographic unit created during cartographic mapping for the purpose of census enumeration;

"National Census Executive Officer" means the Principal Secretary for the time being responsible for matters relating to Planning;

"National Census Coordinator" means the Director General of the Bureau;

"pilot census reference night" means the midnight of 24th/25th August, 2018;

"premises" means any place where a person is residing at the time of taking of the main Population Census;

"project" means the National Population and Housing Census; and

"return" means the census data transmitted to a central location at the Bureau headquarters.

### 3. The National Population and Housing Census

There shall be a National Population and Housing Census which shall be undertaken starting on the midnight of the 24th/25th August, 2019, and the enumeration in respect of which shall be completed on the 31st August, 2019.

### 4. Census to follow the pilot Population and Housing Census

The Census follows the pilot Population and Housing Census undertaken on the midnight of the 24th/25th August, 2018 in the selected enumeration areas within the counties specified in the First Schedule and the enumeration in respect of which was completed on the 31st August, 2018.

### 5. Conducting the Census

The Census shall be conducted by the National Census Coordinator under the guidance of the Board.

### 6. The National Census Steering Committee

There shall be a Committee to be known as the National Census Steering Committee consisting of the following members—

[Subsidiary]

- (a) the Principal Secretary, in the Ministry, for the time being responsible for matters relating to Planning who shall be the Chairperson of the Committee and the National Census Executive Officer;
- (b) Principal Secretary for the time being responsible for matters relating to Interior and Coordination of National Government who shall be the alternate Chairperson;
- (c) the Principal Secretary for the time being responsible for matters relating to the National Treasury;
- (d) the Principal Secretary for the time being responsible for matters relating to devolution;
- (e) the Principal Secretary for the time being responsible for matters relating to Information, Communication and Technology;
- (f) the Chairperson of the Board;
- (g) the Attorney-General;
- (h) the Inspector-General of Police;
- (i) the Director-General of the National Intelligence Service;
- (j) the Director-General of the Kenya National Bureau of Statistics who shall be the Secretary;
- (k) the Director-General of the National Council for Population and Development;
- (l) the Director of Population Studies and Research Institute at the University of Nairobi;
- (m) the Director of Survey of Kenya;
- (n) the Chief Executive Officer of the Independent Electoral and Boundaries Commission;
- (o) the Secretary to the Council of Governors;
- (p) the Secretary-General of the Central Organization of Trade Unions;
- (q) the Secretary-General, of the Kenya National Union of Teachers;
- (r) representatives from the following development partners—
  - (i) the United Nations Population Fund;
  - (ii) the United Nations Children's Fund;
  - (iii) the Department for International Development;
  - (iv) the United States Agency for International Development;
  - (v) the Embassy of Sweden; and
  - (vi) the World Bank.
- (s) the Executive Director for the Kenya National Council for Persons with Disabilities;
- (t) a representative from each of the following religious organizations—
  - (i) the Supreme Council of Kenya Muslims;
  - (ii) the National Council of Churches of Kenya;
  - (iii) the Kenya Conference of Catholic Bishops;
  - (iv) the Hindu Council of Kenya; and
- (u) a representative from the Kenya Private Sector Alliance.

## **7. Functions of the Committee**

The functions of the Committee shall be to—

- (a) approve all the relevant census guidelines and strategies;
- (b) liaise with all stakeholders to provide the required technical and financial support to the census project;

- (c) approve the census governance structure;
- (d) approve the census work-plan and budget for implementation by the National Census Coordinator;
- (da) monitor the 2019 Census implementation process;
- (e) advise the Cabinet Secretary for the National Treasury and Planning on the 2019 Population and Housing Census matters;
- (f) approve the census instruments;
- (g) provide leadership in advocacy for cooperation during all phases of the census and on the use of census information; and
- (h) provide an avenue for dispute resolution on matters pertaining to the 2019 Census.

[L.N. 15/2019, r. 2.]

## 8. Functions of the Board

The Board shall—

- (a) provide leadership to ensure successful implementation of the 2019 Census activities; and
- (b) ensure establishment and operationalization of various census committees.

## 9. Technical Working Committee

There shall be a Technical Working Committee which shall consist of—

- (a) the staff of Kenya National Bureau of Statistics;
- (b) representatives from National Council for Population and Development;
- (c) representatives from the Ministries responsible for—
  - (i) interior and co-ordination of national government;
  - (ii) education;
  - (iii) labour and social protection;
  - (iv) lands, housing and urban development;
  - (v) agriculture, livestock, fisheries and irrigation; and
  - (vi) information communication and technology.
- (d) representatives from the Information, Communication and Technology Authority;
- (e) representatives from the National Intelligence Service;
- (f) representative from the Survey of Kenya;
- (g) representatives from the Department of Resource Surveys and Remote Sensing;
- (h) representatives from development partners specified in paragraph 6(r);
- (i) representatives from the Population Studies and Research Institute.
- (j) a representative of the Council of Governors; and
- (k) a representative of the Independent Electoral and Boundaries Commission.

[L.N. 15/2019, r. 3.]

## 10. County Census Committee

(1) There shall be a County Census Committee established in every County, which shall consist of not less than twelve and not more than fifteen persons who shall include—

- (a) the County Commissioner who shall be the Chairperson;
- (b) the County Statistical Officer who shall be the Secretary;
- (c) the County Social and Gender Development Officer;
- (d) the County Supply Chain Management Officer;

---

[Subsidiary]

- (e) the County Police Commander;
  - (f) the County Intelligence Coordinator;
  - (g) the County Information Officer;
  - (h) the County Director of Education;
  - (i) the County Population Coordinator;
  - (j) the County Accountant;
  - (k) the Deputy County Commissioner;
  - (l) the County Human Resource Officer;
  - (m) the County Secretary;
  - (n) the County Chief Officer, for the time being responsible for Finance and Economic Planning;
  - (o) a representative of dominant religious organization in the county;
- (2) The functions of the County Census Committee shall include—
- (a) general administration, coordination and execution of census activities at the county level in consultation with the National Census Coordinator;
  - (b) undertaking Census publicity and advocacy activities within the county;
  - (c) making security arrangements in the county;
  - (d) ensuring the safety of all census personnel, materials and instruments under their control; and
  - (e) ensuring that all the Census materials and equipment are returned to the office of the County Statistical Officer.

#### **11. Return**

A return for the purpose of the Census shall be completed by an authorized officer and shall be made in respect of—

- (a) all persons in Kenya on the census reference night;
- (b) all persons on transit, travelers and those residing in open and temporary shelters on the census reference night; and
- (c) all persons accommodated or residing in private and public institutions on the census reference night.

#### **12. Return to indicate persons resident in dwelling**

Where a dwelling or part thereof is occupied by a household consisting of one or more persons, a return shall be made with respect to that person or persons resident or accommodated therein on the census reference night.

#### **13. Absence of head of household**

In the absence of the head of the household, any responsible person in such household shall provide information to the authorized officer for the completion of the return with respect to every member resident or accommodated in the premises on the census reference night to the best of their knowledge.

#### **14. Second Schedule**

The information to be obtained by the authorized officer shall be of any or all the particulars specified in the Second Schedule and shall be submitted in a form to be provided by the authorized officer.

[L.N. 15/2019, r. 4.]

#### **15. Information to be confidential**

The information to be obtained during the Census shall be confidential and no report, abstract or document shall be published or shown to any unauthorized person.

**16. Offences**

Any person who—

- (a) discloses census information to another person without lawful authority; or
- (b) fails to provide the required information,

commits an offence and shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand shillings, or to both such fine and imprisonment.

**17. Variation of census data**

The National Census Coordinator may, on the advice of the Board, cancel, vary or adjust any Census data collected, if it is found to be inaccurate.

---

**FIRST SCHEDULE**

[r. 4]

**AREAS COVERED IN THE PILOT CENSUS**

The pilot census was conducted in selected enumeration areas in the following counties Busia, Kericho, Kilifi, Kisii, Kisumu, Kwale, Makueni, Mandera, Nairobi, Nyeri, Tharaka-Nithi, and West Pokot. The pilot tested the various factors that may affect the implementation of the 2019 Census.

---

**SECOND SCHEDULE**

[r. 12]

**PARTICULARS TO BE ASKED OF ALL PERSONS**

1. Name.
2. Relationship to reference person in the household.
3. Sex.
4. Age.
5. Ethnicity or Nationality.
6. Religion.
7. Marital status.
8. Place of birth.
9. Place of residence in August 2019 for the main census.
10. Duration of residence in the county of enumeration.
11. Reasons for moving to the current county of residence.
12. Orphanhood Status.
13. Albinism.

**PARTICULARS TO BE ASKED OF FEMALES AGED 12 YEARS AND ABOVE**

14. Particulars of all live births.
15. Particulars of the last live birth.

[Subsidiary]

**INFORMATION REGARDING DISABILITY PARTICULARS  
TO BE ASKED OF ALL PERSONS 5 YEARS AND ABOVE**

16. Difficulty with seeing.
17. Difficulty with hearing.
18. Difficulty with walking or climbing steps.
19. Difficulty with remembering or concentrating.
20. Difficulty with self-care.
21. Difficulty with communicating.

**PARTICULARS TO BE ASKED OF ALL PERSONS AGED 3 YEARS AND ABOVE**

22. School attendance status.
23. Education attainment.
24. Information regarding training for persons 15 years and above.

**PARTICULARS TO BE ASKED OF ALL PERSONS AGED 5 YEARS AND ABOVE**

25. Economic activity.
26. Employment.

**PARTICULARS TO BE ASKED OF ALL PERSONS AGED 3 YEARS AND ABOVE**

27. Ownership of mobile phones.
28. Access to mobile phones.
29. Use of internet.
30. Use of computers/Laptops/Tablets.
31. E-commerce (to be asked for persons 15 years and above).

**PARTICULARS OF THE HOUSEHOLD AND HOUSING**

32. Information about annual live births and deaths.
  33. Information regarding livestock and crop farming.
  34. Information regarding housing conditions and amenities.
  35. Information regarding ownership of household assets.
  36. Information regarding emigrants in the last 15 years.
-



