

ORDINANCE No. XXXIII of 1947

Assented to in His Majesty's name this twenty-sixth day of December, 1947.

P. E. MITCHELL,
Governor.

**AN ORDINANCE TO MAKE PROVISION FOR THE
REGISTRATION OF PERSONS IN THE COLONY,
FOR THE ISSUE OF IDENTITY CARDS AND FOR
PURPOSES CONNECTED THEREWITH**

By Notice

Date of
commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Registration of Persons Ordinance, 1947, and shall come into force upon such date as the Governor may, by notice in the Gazette, appoint.

Short title and
commencement.

2. This Ordinance shall apply to all male persons who have attained or who are of the apparent age of sixteen years and to such other persons—

Application.

(i) as the Governor in Council may, from time to time by notice in the Gazette, specify;

(ii) who have attained or who are of the apparent age of sixteen years as may apply voluntarily to be registered thereunder:

Provided that this Ordinance shall not apply to—

(i) serving members of His Majesty's Armed Forces or of the Armed Forces of any friendly power;

(ii) any persons duly accredited to the Colony, by or under the authority of any Government, who the Governor in Council may approve;

(iii) any persons or class of persons being bona fide passengers in transit or temporary visitors who the Governor in Council may, by notice in the Gazette, exempt from the provisions thereof;

(iv) such aged or infirm persons as the Principal Registrar may exempt; and

(v) such persons or class of persons in such area or areas in the Colony as the Governor may, from time to time, by notice in the Gazette, exempt.

Interpretation

3. In this Ordinance, unless the context otherwise requires—

“identity card” means a card issued under the provisions of section 8 of this Ordinance;

“Principal Registrar” means the person appointed as such by the Governor under the provisions of section 4 of this Ordinance;

“register” means the register established and maintained under the provisions of section 5 of this Ordinance;

“registered person” means a person who is registered under the provisions of this Ordinance;

“registrar”, “assistant registrar” and “registration officer” mean the persons appointed as such by the Principal Registrar.

Appointment
of Principal
Registrar, etc.

4. (1) The Governor shall, by notice in the Gazette, appoint an officer to be Principal Registrar for the purposes of this Ordinance.

(2) The Principal Registrar may, by notice in the Gazette, appoint registrars, assistant registrars and registration officers for the purposes of this Ordinance.

Establishment
of register.

5. (1) The Principal Registrar shall cause to be kept a register of all persons in the Colony to whom the provisions of this Ordinance apply in which there shall be entered the following particulars in respect of each person:—

- (a) Registration number.
- (b) Name (in full).
- (c) Sex.
- (d) Declared national status and race or tribe.
- (e) Date of birth or apparent age.
- (f) Occupation, profession, trade or employment.
- (g) Place of residence and postal address, if any.
- (h) Finger and thumb impressions.
- (i) Date of registration.
- (j) Such other particulars as may be prescribed.

(2) Any officer in the service of the Government, duly authorized by the Governor in writing in that behalf, may, in the exercise of his official duties, inspect such register and make extracts therefrom.

1947

Registration of Persons

No. XXXIII

6. (1) The Principal Registrar may, by notice in the Gazette or in such other manner as he may think best fitted 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 the Colony to attend before a registration officer at such place and between such dates as may be specified in such notice for the purpose of registering under the provisions of this Ordinance. Any person shall, upon being so required, attend and give to the registration officer the particulars specified in sub-section (1) of section 5 of this Ordinance and for this purpose shall permit his finger and thumb impressions to be recorded in any manner prescribed.

Powers of Registrar.

(2) Where the Principal Registrar issues a notice in respect of any area under the provisions of sub-section (1) of this section, any unregistered person being of a class of person required to register by such notice who enters such area or who, being within such area, thereafter becomes liable to registration shall present himself forthwith before a registration officer and shall register himself in the manner prescribed in sub-section (1) of this section.

(3) Where any notice published by the Principal Registrar under the provisions of sub-section (1) of this section applies to any native, such native shall produce and surrender to the person specified in such notice any certificate issued to him under the provisions of the Native Registration Ordinance or any temporary certificate issued to him under the provisions of this section and shall receive in lieu thereof an identity card.

Cap. 127.

(4) Any native who has not been required to register under the provisions of sub-section (1) of this section, who was required to be in possession of a certificate under the provisions of the Native Registration Ordinance, and who is not in possession of such certificate or that portion of such certificate which contains the particulars of identity, or who has reached the age or the apparent age of sixteen years shall apply in person to the nearest registration officer who may issue to him a temporary certificate as a means of identity in such form as the Principal Registrar may determine and such temporary certificate shall be deemed for all purposes to be an identity card issued under the provisions of this Ordinance.

Cap. 127.

(5) Upon the coming into force of this Ordinance any native may apply to any registration officer to detach from

Cap. 127. his certificate issued under the provisions of the Native Registration Ordinance that portion which contains the particulars of his identity. Both portions thereof shall be inscribed in such manner and with such particulars as may be determined by the Principal Registrar and shall be returned to the native.

Power to demand proof of information.

7. A registration officer may require any person who has given any information in pursuance of this Ordinance or rules made thereunder to furnish such documentary or other evidence of the truth of such information as it is within the power of that person to furnish.

Registration Officer to issue identity cards.

8. (1) Upon the registration of a person under the provisions of this Ordinance the registration officer shall issue an identity card in the prescribed form to such person.

(2) Every registered person shall permit such of his finger and thumb impressions to be recorded on his identity card as a registration officer may require:

Provided that any such person may elect to supply to the registration officer two copies of his photograph, of such size and type and taken within such time as may be prescribed, one copy of which shall be retained in the register and one copy of which shall be affixed to that portion of the identity card which is retained by such person, which portion shall not in such case bear any finger or thumb impressions.

(3) Where any person has elected to supply to a registration officer, under the provisions of the proviso to sub-section (2) of this section, copies of his photograph, his identity card shall cease to be valid upon the expiration of ten years from the date of issue thereof and, not later than thirty days before such identity card ceases to be valid, such person shall attend upon a registration officer for the purpose of again being registered under the provisions of this Ordinance and shall at the same time surrender such identity card.

(4) Upon the registration of a person under the provisions of sub-section (3) of this section the registration officer shall issue a new identity card to such person and the provisions of sub-section (2) of this section shall apply thereto.

(5) Every person to whom an identity card has been issued shall keep such card in safe custody.

(6) Any person who loses his identity card shall, without undue delay, report such loss to the nearest registration

officer who, on payment of the prescribed fee and subject to such conditions as may be prescribed, shall issue to such person a new identity card:

Provided that if the registration officer is satisfied that such loss was through no fault or neglect of such person the new identity card shall be issued free of charge.

(7) Any person who finds, or who comes into possession of, an identity card which does not belong to him, shall, without undue delay, return it either to its owner or to the nearest registration officer.

9. (1) Any authority to whom a person, required to be registered under the provisions of this Ordinance, applies for the grant of any licence, permit or other document or for the exercise of its lawful or judicial functions may in its discretion require the applicant to produce his identity card. If such applicant when so required does not produce to such authority his identity card or other proof to the satisfaction of the authority that he has been registered the authority may, notwithstanding the provisions of any other law for the time being in force in the Colony, in its discretion defer consideration of such application until such applicant produces either his identity card or such other proof.

Production and inspection of identity cards.

(2) During such times and within such areas as the Governor in Council may, by notice in the Gazette, appoint any person, authorized by the Principal Registrar in writing in that behalf, may require any person, to whom this Ordinance applies, to produce his identity card, or, if such person fails to produce such identity card when required so to do, may require him to produce it within such time, to such person and at such place as the person making the requirement may think fit.

(3) Any person, purporting to act under the provisions of sub-section (2) of this section, shall, if so requested by any person from whom he has required the production of an identity card, produce, for inspection by that person, the written authority under which he purports to be acting.

(4) The Principal Registrar, a registrar, an assistant registrar or any registration officer may, in the lawful exercise of his duties or functions under the provisions of this Ordinance, require a person, to whom this Ordinance applies, to produce for inspection his identity card, and if such person fails to produce such identity card when required so to do,

may require him to produce it within such time, to such person and at such place as the person making the requirement may think fit.

Entries in
identity card.

10. No person, other than a registration officer or other person authorized by the Principal Registrar in writing in that behalf, shall make any entry in, alteration to, or erasure from an identity card.

Proof of
exemption.

11. Where any person claims that the provisions of this Ordinance do not apply to him the burden of proving the same shall lie upon such person.

Evidential value
of certificates.

12. Any document purporting to be a certificate under the hand of a registrar and certifying that any return required to be made to him under the provisions of this Ordinance or any rules made thereunder has not been made and any document purporting to be a certificate under the hand of the Principal Registrar, a registrar or an assistant registrar certifying a copy or extract of any record kept by the Principal Registrar under the provisions of this Ordinance or certifying that any thumb or finger impressions are the thumb or finger impressions of a person specified in such certificate, shall, in any proceedings for an offence against the provisions of this Ordinance, be *prima facie* evidence of the facts stated therein.

Offences and
penalties.

13. (1) Any person who—

- (a) in giving any information for the purposes of this Ordinance, knowingly or recklessly makes any statement which is false in a material particular;
- (b) unlawfully deprives any person of an identity card issued to him under the provisions of this Ordinance;
- (c) unlawfully makes any entry, alteration or erasure on an identity card;
- (d) unlawfully issues an identity card;
- (e) is in unlawful possession of or makes use of an identity card belonging to any other person;
- (f) 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 registration officer;
- (g) is knowingly in possession of an identity card containing any false entry, alteration or erasure;

(h) obtains or attempts to obtain a new identity card from a registration officer without first reporting to such officer the loss, mutilation or destruction of any identity card which may previously have been issued to him;

(i) with intent to deceive—

(i) makes a false representation that he or any other person is the person to whom an identity card relates; or

(ii) except in such cases as may be prescribed, permits any other person to be in possession of an identity card issued to him; or

(iii) forges or mutilates an identity card, or makes or has in his possession any document so closely resembling an identity card as to be calculated to deceive;

(j) being a person employed for the purposes of this Ordinance, publishes or communicates to any person, otherwise than in the ordinary course of such employment, any information acquired by him in the course of the employment;

(k) having, under the provisions of sub-section (2) of section 5 of this Ordinance, inspected the register and made extracts therefrom, publishes or communicates to any person, otherwise than in the ordinary course of his employment, any information so acquired;

(l) having possession of any information which to his knowledge has been disclosed in contravention of this Ordinance, publishes or communicates such information to any other person,

shall be guilty of an offence against the provisions of this Ordinance and shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment for a term not exceeding six months:

Provided that nothing in paragraphs (j), (k) and (l) of this sub-section contained shall apply to any publication or communication of information made for the purpose of any proceedings before a competent court.

(2) If any person contravenes or fails to comply with any of the provisions of this Ordinance or with any Rules made thereunder or with any lawful demand or requirement made

either under this Ordinance or under such Rules he shall be guilty of an offence and, where no other penalty is specifically provided, he shall be liable on conviction therefor to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment, and in any case where a person has been convicted of an offence involving failure to register under the provisions of this Ordinance the Court may, in addition to or in substitution for any sentence which it may impose upon such person under the provisions of this section, order such person to register himself within such period as it may specify.

(3) Offences against the provisions of this Ordinance or of any Rules made thereunder shall be triable by any magistrate of the first or second class.

(4) A magistrate shall have jurisdiction in any case brought before him under the provisions of this Ordinance against any person being at the time within his area of jurisdiction whether the offence is alleged to have been committed within such area or not, or whether the person accused of such offence has his usual place of abode or residence within such area or not.

Offences
cognizable
to police.

14. Offences under the provisions of this Ordinance shall be cognizable to the police.

Rules.

15. (1) The Governor in Council may make rules—

- (a) prescribing anything required to be prescribed under the provisions of this Ordinance;
- (b) prescribing the form of identity card;
- (c) providing for the insertion in, or removal from, the register of the particulars of any person, and for the procedure to be followed in the issue, surrender or cancellation of any identity card, the issue of duplicate identity cards and the renewal of identity cards;
- (d) providing for the procedure to be followed where any registered person has changed his name or changes his place of residence or postal address or leaves the Colony or dies;
- (e) prescribing the fees, if any, which may be charged for a duplicate identity card or for the renewal or alteration of an identity card;

(f) generally for the better carrying out of the provisions of this Ordinance.

(2) Any Rule made under the provisions of paragraph (a) of sub-section (1) of this section, which requires particulars in addition to those referred to in paragraphs (a) to (h) of sub-section (1) of section 5 of this Ordinance to be entered in the register, shall be laid as soon as conveniently may be before the Legislative Council; and, if a resolution is passed within forty days of its being so laid praying that any such Rule be annulled, such Rule shall thenceforth be void.

16. The Native Registration Ordinance is hereby repealed:

Repeal.
Cap. 127

Provided that until a native, registered under the provisions of such Ordinance, is registered and issued with an identity card under the provisions of this Ordinance, he shall retain the portion of his certificate, issued under the provisions of the Ordinance repealed by this section, which contains his particulars of identity and thumbprint and that portion of such certificate shall be deemed to be an identity card issued, and he shall be deemed to be registered, under the provisions of this Ordinance.