



LAWS OF KENYA

THE REGISTRATION OF DOCUMENTS ACT

CHAPTER 285

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CHAPTER 285**THE REGISTRATION OF DOCUMENTS ACT****ARRANGEMENT OF SECTIONS***Section*

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CHAPTER 285

Cap. 161(1948)
24 of 1950,
41 of 1956,
19 of 1959,
27 of 1959,
25 of 1963,
L.N. 303/1964,
21 of 1966.

THE REGISTRATION OF DOCUMENTS ACT

Commencement: 15th October, 1901

An Act of Parliament to provide for the registration of documents

Short title.

1. This Act may be cited as the Registration of Documents Act.

Interpretation.
41 of 1956, s. 2,
L.N. 303/1964.

2. In this Act, except where the context otherwise requires—

“book” includes a portion of a book, and also any number of sheets connected together with a view to forming a book or portion of a book;

“endorsement” and “endorsed” include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act,

“immovable property” includes land, buildings, hereditary allowances, rights of way, lights, ferries, fisheries and any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber (except coconut trees), growing crops or grass;

“minor” means a person who has not attained the age of eighteen years;

“Principal Registrar” means such person as may be appointed by the Minister to exercise the duties of the Principal Registrar of Documents;

“registrar” means any person appointed by the Minister to exercise the duties of a registrar of documents;

“representative” includes the guardian of a minor, and the committee or other legal representative of a lunatic or idiot;

“signature” and “signed” include and apply to the fixing of a mark.

3. A registry shall be kept at Nairobi for the whole of Kenya except the Coast Province, and shall be known as the Principal Registry, and another registry shall be kept at Mombasa for the Coast Province only, and shall be known as the Coast Registry.

Registries.
41 of 1956, s. 3.

4. All documents conferring, or purporting to confer, declare, limit or extinguish any right, title or interest, whether vested or contingent to, in or over immovable property (other than such documents as may be of a testamentary nature) and vakallas shall be registered as hereinafter prescribed:

Documents to be registered.
27 of 1959, Sch.,
25 of 1963, Sch.,
21 of 1966,
2nd Sch.

Provided that the registration of the documents following shall not be compulsory—

- (i) any composition deed;
- (ii) any document relating to shares in a joint stock company, notwithstanding that the assets of such company consist in whole or in part of immovable property;
- (iii) any debenture issued by such a company, and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to, in or over any immovable property, except in so far as it entitles the holder to the security afforded by a registered instrument, whereby the company has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property, or any interest therein, to trustees upon trust for the benefit of the holders of such debentures;
- (iv) any endorsement upon or transfer of any debenture issued by any such company;
- (v) any document not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest to, in or over any immovable property but merely creating a right to obtain another document, which will, when executed, create, declare, assign, limit or extinguish any such right, title or interest;
- (vi) any lease or licence of land for any term not exceeding one year; or
- (vii) any document registrable under the provisions of the Government Lands Act, the Registration of Titles Act, the Land Titles Act or the Registered Land Act:

Cap. 280.
Cap. 281.
Cap. 282.
Cap. 300.

Provided that, if any such document relates to land registrable under any such Act and also to land not so registrable, such document shall also be registered under this Act.

Other documents may be registered.

5. Any other document may be registered, at the option of the person holding the same:

Provided that a registrar may refuse to register any such document, for reasons to be stated by him in writing.

As to documents not written in specified languages.
19 of 1959, s. 2.

6. If any document duly presented for registration is not written in English, Arabic, Kiswahili or Gujarati, or such other language as may from time to time be prescribed, either generally or locally, the registrar may refuse to register the same unless it is accompanied by a true translation in English, certified to the satisfaction of the registrar.

When registrar may refuse to register.

7. (1) The registrar may refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signature or initials such interlineation, blank, erasure or alteration.

(2) If he registers such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration.

Property must be identified.

8. No non-testamentary document relating to immovable property shall be accepted for registration unless it contains a description of the property sufficient to identify the same.

Document to be registered within two months of execution.

9. Every document the registration whereof is compulsory shall be registered within two months after its execution, and if executed outside Kenya it shall be registered within two months after its arrival in Kenya.

Penalties for non-registration.

10. If any such document is not registered within the time prescribed, the person in whose favour the document is made, or his successor in title, shall be liable to the payment of a fine not exceeding ten times the prescribed registration fee on the document in question, with a maximum of one thousand shillings, and the registrar may impose the fine in his discretion and delay the registration until the fine has been paid.

Registry at which document to be registered.
41 of 1956, s. 4.

11. (1) Any document relating to immovable property situate in a place other than the Coast Province shall be registrable only in the Principal Registry, and any document relating to immovable property situate in the Coast Province shall be registrable only in the Coast Registry:

Provided that if any document relates to immovable property in the Coast Province and elsewhere it shall be registrable in either or both the registries.

(2) Any document not relating to immovable property shall, if the duties to be performed under the document are to be performed in a place other than the Coast Province, be registrable in the Principal Registry, and, if the duties are to be performed in the Coast Province, it shall be registrable in the Coast Registry:

Provided that, if any such duty or duties under a document may be performed in the Coast Province and elsewhere, the documents shall be registrable in either or both the registries.

12. Every document presented for registration shall be presented by the party executing or claiming an interest under it or his agent or attorney duly appointed, or by the representative or assign of such person.

Person to present document.

13. The registrar shall take such steps to satisfy himself as to the identity of the person presenting a document for registration, and of the right of such person to appear, as he may deem necessary or desirable, and shall inquire whether or not such document was executed by the person by whom it purports to be executed.

Registrar to satisfy himself as to genuineness.

14. If all the persons executing the document shall appear personally before the registrar and satisfy him that they are the persons they represent themselves to be, and if they all admit the execution of the document, or, in the case of any person appearing by his representative, assign or agent, such representative, assign or agent admits the execution, or if the person executing the document is dead and his representative or assign appears before the registrar and admits the execution, the document shall be registered as provided by this Act.

When registrar must register.

15. If any of the persons by whom the document purports to be executed denies its execution, or if any such person appears to the registrar to be a minor, an idiot or a lunatic, or if the person by whom the document purports to be executed is dead and his representative or assign denies its execution, or if the registrar considers it unsuitable for a photostatic copy, the registrar shall refuse to register the document.

When registrar may refuse to register.
19 of 1959, s. 3.

16. If the registration of any document has been obtained by fraud, mistake or misrepresentation, or the document is forged, or the document or the execution thereof is contrary to law, the registration of such document shall be forthwith cancelled by the registrar.

Power to cancel registration.
24 of 1950, s. 2.

Registrar may procure issue of summons to compel attendance of witness.

17. If any person presenting a document for registration desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registrar may call upon a subordinate court of the first or second class having jurisdiction, or the High Court, to issue a summons requiring him to appear at the registry, either in person or by a duly authorized agent as in the summons may be mentioned and at a time named therein.

Non-registered document not to be received in evidence without leave of court.

18. A document the registration of which is compulsory under this Act shall not, unless duly registered, be received as evidence in any transaction affecting the property to which the document relates, except with the consent of the court and upon such terms and conditions as the court may impose:

Provided that nothing in this Act shall make any document inadmissible in any criminal proceeding.

Books to be kept by registrars.
24 of 1950, s. 3,
41 of 1956, s. 5.

19. The following books shall be kept in both registries—

- (a) register of documents of which the registration is compulsory;
- (b) register of documents of which the registration is optional;
- (c) register of reasons for refusal to register;
- (d) register of reasons for cancellation of the registration of a document.

Receipt to be given for document.

20. On a document being presented for registration the registrar shall give a receipt therefor, and such receipt shall be produced upon any application for the return of the document to which it relates.

Procedure in event of loss of receipt.

21. In the event of a receipt being lost the registrar may deliver the document to which it refers to the owner or his authorized agent upon being satisfied as to the applicant's right thereto, and he may also require a reasonable indemnity before delivering the document.

Registrar may notify applications for registration.

22. Upon receiving for registration any instrument relating to immovable property the registrar may give public notice thereof in such manner with such particulars as the Principal Registrar may from time to time direct.

Objectors may lodge protest.

23. Any person who may have cause to object to the registration of any document may lodge a protest with the registrar stating the grounds of his objection, and upon receipt of such protest the registrar shall inquire into the matter and either refuse to register or delay the registration for a period of fourteen days from the date of his decision.

- 24.** (1) Every person desiring to register a document shall produce the original document to be registered at the office of the registrar. Method of registration. 19 of 1959, s. 4.
- (2) Subject to the provisions of this Act, the registrar shall register the document by filing a photostatic copy thereof in the register in such manner as the Principal Registrar may direct, and shall number every such copy consecutively and shall inscribe thereon the day of the month and year when it was presented for registration.
- (3) All copies shall be entered in the register in the order in which the documents to be registered are presented for registration:
- Provided that, if, before the enactment of this Act, any document has been registered in the way prescribed by this section, such registration shall be valid and have as full force and effect as if such registration had been made in accordance with the provisions of this Act.
- 25.** At each registry indexes shall be kept of all registered documents in such form and containing such particulars as the Principal Registrar may direct. Indexes to be kept.
- 26.** A certificate of registration, signed by the registrar, shall be endorsed on every registered document, showing the number of the document in the register and the date of registration. Certificate of registration to be endorsed on document.
- 27.** The day upon which a document is presented for registration shall be deemed to be the date of registration. Date of registration.
- 28.** On completion of the registration of any document, the registrar shall, on production of the receipt referred to in section 20 or, if the receipt be lost, upon being satisfied as to the applicant's right and upon taking indemnity as provided in section 21, return the document. Documents to be returned when registered.
- 29.** (1) When a document is presented for registration under section 6 the translation shall be filed in the register of documents with the photostatic copy of the original document. Translations of certain documents to be registered. 19 of 1959, s. 5.
- (2) The document and the translation shall be treated as one document for the purpose of making copies and endorsements.
- 30.** The Principal Registrar shall exercise a general superintendence over both registries. Principal Registrar to superintend. 41 of 1956, s. 6.
- 31.** Every registrar may, at his discretion, administer an oath to any person examined by him under this Act. Registrars may administer oaths.

Registrar refusing to register shall record his reasons.

32. Every registrar refusing to register a document shall make an order of refusal and record his reasons for such order in the book prescribed in section 19 and shall endorse the words “registration refused” on the document and, on application made by any person executing or claiming under the document, shall, without payment and without unnecessary delay, give him a copy of the reasons so recorded.

Registrar cancelling registration shall record his reasons. 24 of 1950, s. 4.

33. Every registrar cancelling the registration of a document shall make an order of cancellation and record his reasons for such order in the book prescribed in section 19 and shall endorse the words “registration cancelled” on the document and, upon the application of any person executing or claiming under the document, shall, without payment and without unnecessary delay, give him a copy of the reasons so recorded.

Appeals against refusals to register from registrars to Principal Registrar. 24 of 1950, s. 5.

34. An appeal shall lie against an order of refusal or of cancellation from any registrar to the Principal Registrar, and the Principal Registrar may reverse or alter such order; and if the order of the Principal Registrar directs the document to be registered the registrar shall register it.

Appeal from Principal Registrar to Supreme Court. 24 of 1950, s. 6.

35. (1) When the Principal Registrar—

- (a) has refused to register a document presented to him for registration or has cancelled the registration of any such document; or
- (b) has, pursuant to section 34, refused to direct a registrar to register a document or to re-register a document the registration whereof such registrar has cancelled,

any person claiming under such a document, or his representative, assignee or agent, may, within thirty days after the making of the order of refusal pursuant to section 32 or of the order of cancellation pursuant to section 33, institute in the High Court a suit for a decree directing that the document be registered or re-registered, as the case may be, in such office, and, notwithstanding anything in this Act, the document shall be receivable as evidence in such suit.

(2) The High Court may remit or reduce any of the prescribed fees in special cases for reasons to be recorded.

Registrars protected for acts done in good faith.

36. The Principal Registrar or any registrar shall not be liable to any suit, claim or demand by reason of anything in good faith done or omitted to be done in his official capacity.

- 37.** Nothing done in good faith pursuant to this Act or any regulations thereunder by the Principal Registrar or any registrar shall be deemed invalid merely by reason of any defect in his appointment or procedure. Defects in appointments or procedure not to invalidate acts done in good faith.
- 38.** Notwithstanding anything in this Act contained, it shall not be necessary for any officer of the Government to appear in person or by agent at any registry in any proceedings connected with the registration of any document executed by him in his official capacity; but when any document is so executed the registrar to whom it is presented for registration may if he thinks fit refer to such office for information and, upon being satisfied, shall register the document. As to documents executed on behalf of Government.
- 39.** Any person desiring information may apply in person at the Principal Registry or at the Coast Registry (as the case may require), and, on completion of the prescribed form and on payment of the prescribed fee, may inspect the register relating to the document mentioned in the form. Searches.
19 of 1959, s. 6.
- 40.** The Minister may from time to time make regulations for the purpose of regulating any matter or thing to be done under this Act, including the specifying of fees to be levied, and the prescribing of forms to be used, for or in connexion with services under this Act, and generally for the better carrying out of the intent and provisions of this Act. Regulations.
19 of 1959, s. 6.

[Subsidiary]

SUBSIDIARY LEGISLATION

L.N. 166 /1976,
L.N. 215/1988,
L.N. 300/ 1994,
L.N. 54/ 2008,
L.N. 8/2010.

Regulations under section 40

THE REGISTRATION OF DOCUMENTS (FEES)
REGULATIONS,1994

1. These Regulations may be cited as the Registration of Documents (Fees) Regulations, 1994, and shall come into operation on the 26th August, 1994.
2. The fees levied for services under the Act shall be as set out in the Schedule.
3. The fees prescribed by these Regulations include provision of the photostat copy prescribed by the Act.
4. The Government miscellaneous receipts shall be issued upon payment of the fees for services levied under the Act.
5. The Registration of Documents (Fees) Regulations, 1988, are revoked.

SCHEDULE

	<i>Fees KSh.</i>
(a) For every document presented for registration	500
(b) For every personal search	1,000
(c) On appeal to the Principal Registrar from an order refusing to register or cancelling a registration under section 34 of the Act	500
(d) For attendance by any officer of the registry at any place outside the registration office (per day or part thereof of the absence from the registry and the expences incurred)	2,500
(e) On resubmission for registration of any document previously rejected because of error therein or failure to comply with any prerequisite of registration (per document)	500
(f) For every copy of a registered document or abstract folio—	
(i) Where the number of pages or folios does not exceed five	100 per copy of such pages or folios.

[Subsidiary]

(ii) Where the number of pages or folios exceed five	100 per copy of the first five pages or folios plus Ksh. 10 per page or folio in excess of the said five pages or folios
(g) For every copy of a registered plan (per sheet of such plan)	200
(h) For any act or thing not otherwise provided for	1,000

THE REGISTRATION OF DOCUMENTS (FORMS) REGULATIONS

L.N. 379/1960,
L.N. 303/1964,
L.N. 165/1976.

1. These Regulations may be cited as the Registration of Documents (Forms) Regulations.

2. Forms A, B, C and D in the Schedule shall be used in all cases under the Act.

2A. The fees payable in all matters connected with Forms A, B, C and D wherever applicable shall be those prescribed by the Minister.

3. The registrars of documents at Nairobi and Mombasa shall keep a supply of the forms for the use of the public.

4. The registrars of documents shall cause to be impressed on all applications on which fees are paid, and on all copies thereof, a stamp recording the date and time of presentation, in such manner (in the case of the original) as to cancel the stamps affixed in payment of fees; and such impression shall in the absence of fraud be conclusive evidence of the date and time of presentation and that the fees stated in the application to have been paid have been paid.

[Subsidiary]

SCHEDULE (r. 2)

FORM A

The conditions on the back of this form shall be complied with.

APPLICATION FOR REGISTRATION
of the undermentioned documents in the following order of priority:—

Date of Document	Description	Land Reference Number	Deed File Number	Fee
	(1)	(2)	(3)	(4)
				<i>Sh.</i>

Number of new certificates of title required at the prescribed fee

Adhesive revenue stamps affixed hereto to the value of.....

The following documents are enclosed for endorsement:—(5)

Grant No. Lease No. Certificate No.

The following supporting documents are also enclosed:—(6)

Clearance Certificate ☐ Estate Duty Certificate ☐ “Registration Copy” of Land Control Consent ☐ “Registration Copy” of Provincial Commissioner’s Consent ☐ Withholding Tax Certificate (W. 70) ☐ Land Rent Certificate ☐

The following consents are endorsed on the documents:—

Commissioner of Lands or the Chief Engineer, Kenya Railways under the terms of the Grant ☐ Chargee to surrender of lease under section 44 of the Registration of Titles Act (Cap. 281) ☐

Special instructions, including, if necessary, the name and address of the person to whom the documents are to be sent if other than the presenter:—

Signature.....
Name in block capitals.....
Postal address
Date.....
To be submitted in triplicate.

(Reverse)

CONDITIONS

1. Every document presented for registration must be accompanied by this form.

Form to accompany documents.

2. Application for registration forms are printed in sets of three, each set comprising an original, duplicate and triplicate. Forms may be obtained post free from the Registrar of Titles, Nairobi, and Mombasa.

Number of forms to submit.

3. The form must be completed accurately in accordance with these conditions. Failure to do so may result in the rejection of the application. The information supplied by the presenter must appear legibly in English on all three forms. If registration is sought at both the Nairobi and Mombasa Registries, separate applications accompanied by the document must be addressed to each. The following are the explanations of the numbers appearing in brackets on the form —

How to complete.

(1) Give a brief description of each document, e.g. Conveyance, Assignment, Transfer, Charge, etc.

(2) The land reference numbers of all parcels of land dealt with in each document must be entered, e.g. 1870/XX/9, 1870/XX/10. If the document is not to be registered against a title to land, e.g. powers of attorney, building plans, agreements, etc., the word “Nil” must be inserted.

(3) Where possible the deed file number should be inserted in this column. In the case of titles registered under the Registration of Titles Act (Cap. 281) this is the title number.

For titles registered under other Acts, the number of the deed file is shown in the right-hand column of the registration endorsement on the last registered document.

(4) The registration fee tendered must be entered in this column, and the total fees entered at the foot thereof. The fee payable on presentation is the prescribed-fee per entry in the register, and is not refundable. This fee is inclusive of copying. A document purporting to deal with two or more titles will attract the prescribed fee in respect of each title against which it is to be registered.

(5) All documents presented for registration against titles under the Registration of Titles Act, other than caveats, statutory notifications and court orders, must be accompanied by the appropriate title deed, and the registration particulars of that deed must be inserted in this paragraph of the form. No documents are required for endorsement under the other Acts.

(6) Indicate, by placing a tick in the appropriate boxes, the supporting documents which accompany the application or consents which are endorsed on the documents.

[Subsidiary]

- Payment of fees.

4. Fees may only be paid by affixing adhesive revenue stamps to the required value in the space provided on the original application form. Such stamps may be obtained from post offices. Spoilt or damaged adhesive revenue stamps will not be accepted, but stamps upon which the presenter has placed his name stamp shall not be deemed spoilt or damaged for this purpose.
- Separate applications to be made.

5. A separate set of application forms must be submitted for each document, except in the case of a set of documents which are to be registered against the same title or are related to each other. For example, a discharge of a charge, a surrender of a lease, a transfer and a new charge all relating to L.R. No. 999/999 would properly form the subject of one application, and similarly a power of attorney executed by the registered proprietor followed by a transfer executed by the attorney are related to each other and can form the subject of one application.
- Submission of applications.

6. Applications may be submitted as follows—

(a) by post to the appropriate Registrar;

(b) by delivery in the box provided at the appropriate Land Registry;

(c) by requesting the Collector of Stamp Duties to forward the application form to the appropriate Registrar after stamping the document. Priority is not established until the application is in the hands of the Registrar, and no responsibility is accepted by the Collector for any delay.
- Rejections.

7. Documents re-presented for registration following their previous rejection must be accompanied by a fresh set of forms of application duly completed. The fee in such a case is the prescribed fee for every document which was the subject of a formal rejection.

FORM B

NOTICE OF APPEAL AGAINST REFUSAL BY A REGISTRAR TO REGISTER A DOCUMENT

To: The Registrar-General of Titles,
The Principal Registrar,
Land Registry, Nairobi.

Our reference:—
.....

TAKE NOTICE that I/We
of P.O. Box
hereby appeal against the decision of the Registrar set forth in his letter
No. dated.....
refusing to register—

[Subsidiary]

Description of document

Date of document

Parties to document

Land reference number(s)

Presented on, 19, by.....

My/Our grounds of appeal are as follows:—

(If this space is insufficient please continue on the back)

Adhesive revenue stamps to the value of Sh.
in payment of fees are affixed hereto.

Date

*Signature of Appellant or his
Advocate.*

To be submitted in triplicate.

FORM C

APPLICATION FOR COPY

To: The Registrar,
Land Registry, Nairobi/Mombasa.Our reference:—
.....I/We request you to supply
certified/uncertified copy/copies of the following:—Adhesive revenue stamps to the value of Sh.
in payment of fees are affixed hereto.

Date Signature

Insert below in block capitals the name and address in Kenya to
which the copy is/copies are to be sent:—

Name

Postal address

(For completion in the Registry)

The above-mentioned copy is/copies are forwarded herewith.

[Subsidiary]

The above request cannot be met because
.....

Date
.....
Registrar.

To be submitted in duplicate.

FORM D

APPLICATION FOR PERSONAL SEARCH OF:—

Land Reference Number	Title or Deed File Number
--------------------------	------------------------------

Adhesive revenue stamps to the value of the prescribed fee are affixed hereto.

Signature

Postal address

Date

Deed file checked on completion of search by:—

.....
Counter Clerk's initials.

CONDITIONS

1. This form must be submitted in duplicate with revenue stamps to the value of the prescribed fee affixed to the original, which will be retained in the Land Registry.
2. Persons making searches may take brief notes in pencil, but no document shall be copied.
3. In no circumstances may any note or mark be made on any document, file or register produced for inspection.
4. Persons making searches shall check the contents of any deed file produced to them and have it checked by the counter clerk, both before and on completion of the search, and obtain his initials on the duplicate search form; otherwise the person searching will be held liable for any document lost or damaged.
5. The counter clerk's duty does not extend to answering questions on matters of title, and no responsibility is accepted for any opinion which may be expressed by him.

THE REGISTRATION OF DOCUMENTS (CHANGE OF NAME) REGULATIONS

L.N. 277/1967.

1. These Regulations may be cited as the Registration of Documents (Change of Name) Regulations. Citation.

2. these Regulations— Interpretation.

“minor” does not include a woman who has been married;

“the relevant person” means the person whose name is being changed.

3. (1) A document evidencing a change of name of a person resident in Kenya— Document evidencing change of name may be endorsed on registration.

(a) which is in Form 1 in the Schedule; and

(b) in respect of which the following requirements of these Regulations have been complied with,

shall, upon being registered, be endorsed by the registrar with the words “Registered in accordance with the Registration of Documents (Change of Name) Regulations”.

(2) If the relevant person is a woman she shall be described in the document as a spinster, a married woman, a widow or (if her marriage has been dissolved) a feme-sole, as the case may be.

(3) The document shall be signed by the relevant person in both the old and the new names (or in the case of a minor by his parent or other legal guardian), and the signature shall be witnessed by one witness.

(4) If a minor whose name is being changed is over sixteen years of age his consent shall be endorsed on the document and witnessed by an advocate.

4. The following further evidence shall be produced to the registrar in relation to the relevant person— Further evidence to be produced.

(a) in all cases, a certificate of birth, unless the birth was not registered;

(b) if a married woman, her certificate of marriage, or other evidence of her marriage if it was not registered, together with—

(i) the written consent of her husband to her change of name, the consent being endorsed on the document evidencing the change of name and witnessed by an advocate; or

(ii) a certificate from an advocate that she is living separate from her husband in such circumstances that the separation is likely to be permanent;

(c) if a widow, her certificate of marriage, or other evidence of her marriage if it was not registered, together with the certificate of

[Subsidiary]

death of her husband;

(d) if a feme-sole, her certificate of marriage, or other evidence of her marriage if it was not registered, together with the decree absolute or certificate of divorce.

Statutory declaration.

5. The documents mentioned in regulations 3 and 4 shall be exhibited to a statutory declaration made by a person resident in Kenya in Form 6 in the Schedule.

Resident outside
Kenya.

6. If the relevant person is resident outside Kenya evidence shall be produced that he does not intend such residence to be permanent, and the registrar may require the production of a certificate by an advocate as to the nature and probable duration of such residence.

Forms.

7. The forms set out in the Schedule shall be used for the purposes of these Regulations.

SCHEDULE

(rr. 3, 5, 7)

FORM 1

DEED POLL ON CHANGE OF NAME

“A”

THIS CHANGE OF NAME DEED is made this
day of 19 by me..... of
.....¹ a resident of Kenya now or until recently called

WITNESSED AND IT IS HEREBY DECLARED [on behalf of myself, my wife
and my children and remoter issue born or to be born]² as follows:—

1. I absolutely renounce and abandon the use of my said former name of...
..... and I
assume and determine to take and use [from the date hereof]³ the new
name of..... in
substitution for my former name of
2. I shall at all times hereafter in all records documents and other writings and in
all actions and dealings and on all occasions whatsoever use the new name of
.....in substitution for
my former name of so relinquished
as aforesaid to the intent that I [my wife and my children and issue]² may
hereafter be known not by the former name ofbut by
the new name of only.
3. I authorize and require all persons at all times to describe and address me [my
wife and my children and issue]² by the new name of.....

IN WITNESS whereof I have hereunto subscribed my new name of.....
..... and also my former name of.....
..... and have affixed my seal the day and

[Subsidiary]

year first herein written.

SIGNED SEALED AND DELIV-
ERED by the above—named in
the presence of:



.....
[former name]

.....
[new name]

This is the Deed marked “A” referred to in the Declaration of.....
..... and produced and shown to him on making the
said Declaration before me this day of..... 19.....

.....
Commissioner for Oaths

NOTES:

1. Insert name and description. A woman must be described as spinster, married woman, widow or (if her marriage has been dissolved) feme-sole.
2. Omit as necessary.
3. Omit if the change has already taken place.
4. One witness is required.

FORM 2

CONSENT OF HUSBAND

[to be endorsed on Deed Poll of Married Woman]

I..... of
the husband of the within-named.....
hereby certify that I consent to the change of name of my wife effected by this Deed.

Date signed

Witness to the signature
of the above named:

Advocate.

[Subsidiary]

FORM 3

CERTIFICATE OF ADVOCATE

[alternative to Form 2]

I.....of.....
an advocate of the High Court of Kenya hereby certify that the within-named
..... is known
personally to me and is separated from her husband
..... in such circumstances that the
separation is likely to be permanent.

Date Signed
Witness to the signature of
the above-named:

FORM 4
“A”

DEED POLL BY PARENT OR GUARDIAN ON CHANGE OF
NAME BY INFANT

THIS CHANGE OF NAME DEED is made the day of
..... 19 by me
of the [father and]¹[mother and]¹legal guardian of
..... ofnow or until recently called
..... who is an infant now of the age of years [and
a spinster]Iand a resident of Kenya

WITNESSED AND IT IS HEREBY DECLARED as follows: —

1. On behalf of the said I absolutely renounce and
abandon the use of his [her] former name of.....
..... and on his [her] behalf assume and determine to take and
use the new name of in substitution for his
[her] former name of
2. The said will at all times hereafter in all
records documents and other writings and in all actions and dealings and on
all occasions whatsoever use the new name ofin
substitution for his [her] former name ofso
relinquished as aforesaid to the intent that the said
[his wife and his children and remoter issue]² may hereafter be known not
by the former name of but by the new
name ofonly.
3. On behalf of the said
I authorize and require all persons at all times to describe and address the said

[Subsidiary]

..... [his wife and his children and remoter
issue]² by the new name of

IN WITNESS whereof I have hereunto set my hand and seal the day and year
first herein written.

SIGNED SEALED AND DELIVERED
by the above-named in the presence
of:—³ }

(Exhibit marking as for Form 1)

NOTES:

1. Delete as appropriate.
2. Delete in the case of a female infant.
3. One witness is required.

FORM 4

CONSENT BY INFANT OVER SIXTEEN

[to be endorsed on Deed Poll by Parent or Guardian]

I of
being of the age years consent to the change of my name effected
by this Deed.

Date
Witness to the signature
of the above-named:
Advocate.

Signed

FORM 5

STATUTORY DECLARATION OF IDENTITY

I of
a person resident in Kenya do solemnly and sincerely declare as follows:—

1. I have for years personally known the person formerly known as
and now known as
referred to in the Deed now produced
and shown to me and marked “A” which person is hereinafter referred to
as the relevant person.
2. The certificate of birth now produced and shown to me and marked “B” is

[Subsidiary]

the certificate of birth of the relevant person.

[OR]

To the best of my knowledge information and belief the birth of the relevant person was not registered.

3. The relevant person and the person who executed the said Deed marked “A” are one and the same person.

4. I declare as aforesaid from my personal knowledge of the person formerly known as and now known as and I make this Declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Act.

Declared by the above-named
Before me,
Commissioner for Oaths.



FORM 6

STATUTORY DECLARATION OF IDENTITY

[for change of name of a minor]

I of
a person resident in Kenya do solemnly and sincerely declare as follows:—

1. I have for years personally known the person formerly known as and now known as..... and referred to in the Deed now produced and shown to me and marked “A” which person is hereinafter referred to as the relevant person.

Minor

2. The certificate of birth now produced and shown to me and marked “B” is the certificate of birth of the relevant person.

3. To the best of my knowledge and belief the person who executed the said Deed is the parent [guardian] of the relevant person.

Married Woman

2.The certificate of birth and the certificate of marriage now produced and shown to me and respectively marked “B” and “C” are the certificate of birth of the relevant person (whose single name was.....) and the certificate of marriage of the relevant person with [*name of husband*].

[Subsidiary]

Widow

2. The certificate of birth and the certificate of marriage now produced and shown to me and respectively marked “B” and “C” are the certificate of birth of the relevant person (whose single name was.....) and the certificate of marriage of the relevant person with [*name of husband*].
3. The certificate of death now produced and shown to me and marked “D” is the certificate of death of the said [*name of husband*].

Feme-sole

2. The certificate of birth and the certificate of marriage now produced and shown to me and respectively marked “B” and “C” are the certificate of birth of the relevant person (whose single name was.....) and the certificate of marriage of the relevant person with [*name of husband*].
3. The certified copy decree absolute of divorce [or] certificate of divorce now produced and shown to me and marked “D” is a true copy of the decree dissolving [or] certificate of the dissolution of my said marriage.
4. I declare as aforesaid from my personal knowledge of the said and I make this solemn Declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Act.

Declared by the above-named

Before me,

Commissioner for Oaths.

Note.—If any birth, marriage or death was not registered, the declarant should so declare to the best of his knowledge and belief, and the rest of the form should be modified accordingly.

